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HEARINGS

BEFORE

SUBCOMMITTEE

OF

U.S. Congress.

"HOUSE COMMITTEE ON APPROPRIATIONS."

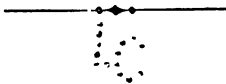
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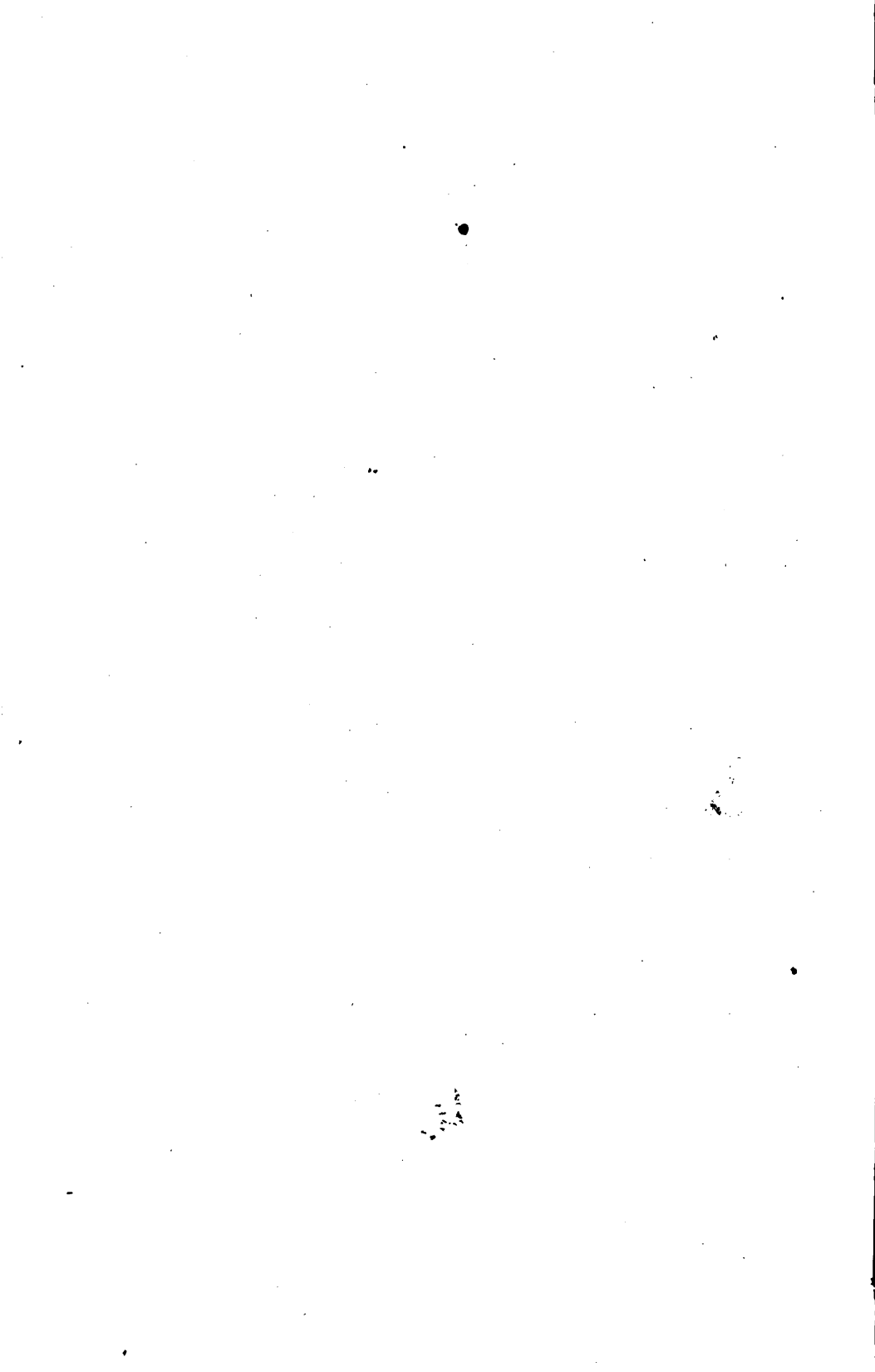
MESSRS. SAYERS, HOLMAN, O'NEIL, MASS.,
DINGLEY, AND HENDERSON, IOWA,

IN CHARGE OF

GENERAL DEFICIENCY APPROPRIATION BILL FOR 1892
AND PRIOR YEARS.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
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HEARINGS ON GENERAL DEFICIENCY BILL.

COMMITTEE ON APPROPRIATIONS,
Washington, D. C., April 19, 1892.

The subcommittee having in charge the general deficiency bill met at 1:15 p. m., for the purpose of hearing Mayor Ficke, of Davenport, and Messrs. Cable and Hasse on the question of an appropriation for the repair of Rock Island bridge.

Mr. SAYERS. Here is an estimate from the Acting Secretary of the Treasury of \$50,000 for the Rock Island Arsenal. Mr. Ficke and the other gentleman are here, and wish to be heard.

Mr. FICKE. Mr. Chairman and gentlemen of the committee: This is a matter in which the cities of Davenport, Rock Island, and Moline take a deep interest. Some of us have known for a long time that the bridge from the island to the Iowa and Illinois shores has been in unsafe condition. We have been very greatly alarmed, not only because of the fear of some accident, but also because we feared that the authorities of the Government might order the bridge closed; and then there would be no communication between the cities of Davenport, Rock Island, and Moline.

This bridge was built in 1872. At that time the joists of the upper floor, used by the railroad company, and the lower floor, used by teams and passenger conveyances, were of wood. Within the last two years the joists of the upper floor have been taken out and replaced by steel joists. The commanding officer, Col. Buffington, has recommended that a similar change be made in the joists of the lower floor. Five years after the bridge was built repairs were found to be necessary in the floor, and 516 of the joists were taken out because they were so badly decayed that the nails in them would not hold. This bridge is about 2,000 feet in length. The joists are about 2 feet apart, and there are something like 1,000 joists in the bridge. After seven years 200 more joists were removed because they were utterly unsafe. It is not difficult to imagine what the condition of the remaining 300 joists would be when 500 have been put in after five years and 200 after seven years. We need not draw on our imaginations for the information, for the joists have been examined and a report has been made by the commanding officer, Col. Buffington. These joists are decayed to the extent of 3 inches, and have lost 30 to 40 per cent of their carrying strength. The carrying capacity of these joists was shown to be 16,000 pounds to every seven joists, when they were new and at their full strength. A car weighing 10,000 pounds and one of the wagons of the Moline Malleable Iron Works, weighing 1,000 pounds and loaded, is in excess of what those joists could carry when they were new. The consequence is that the strength is much decreased, and it is utterly unsafe to continue to use the bridge in its present condition.

It might be said that new joists should be put in; but if this is done these same joists will have to again be taken out, and it would involve a great expense to the Government. As a matter of economy, these wooden joists ought to be taken out and replaced by steel joists. The expense of this would be about \$50,000. If my builder should report to me that my house was in an unsafe condition, I should immediately place at his command the necessary funds to make it safe.

Mr. SAYERS. Does this bridge belong to the Government?

Mr. FICKE. It does.

Mr. HAYES. It is a double bridge. The cars run on the top, and the roadway is underneath.

Mr. FICKE. When the Government reports that this bridge is in an unsafe condition, it is the duty of Congress to put at the disposal of the Government a sufficient sum of money to make it safe. We do not know how soon an accident may happen. No officer of the Government knows more about this matter than Gen. Flagler, Chief of Ordnance. He was stationed on the island sixteen years, and he recommends this appropriation. I do not know that anything more could be said. We think it is necessary, and ought to be made immediately.

Mr. SAYERS. You say this bridge was built conjointly by the Government and the railroad company.

Mr. FICKE. I think the railroad company deposited a certain amount with the Government to pay half the expense.

Mr. SAYERS. The Government maintains the bridge.

Mr. FICKE. Yes, sir; except one-half, or the upper part.

Mr. HENDERSON of Illinois. The railroad track is above, and the wagon-road is below; and I do not know why the Government should pay any portion of that cost above, the part the railroad uses itself, and which the Government does not use.

Mr. CABLE. The Government put in the piers, and agreed to maintain it.

Mr. HENDERSON of Iowa. Can not some one turn to the statute on the matter?

Mr. HASSE. Mr. Chairman, and gentlemen of the committee, I will look up the statute. The bridge was built by the United States Government and the Chicago, Rock Island and Pacific Railroad Company, the railroad company paying for half in order to maintain its rights. The Rock Island road owns no part of the bridge. The bridge is owned and controlled by the Government.

Mr. CABLE. The superstructure was put in by the Rock Island road.

Mr. FICKE. Yes; the road has the full right to use the bridge, but they are not the owners of it. The Government owns and controls it.

Mr. HENDERSON, of Iowa. Is the title in the Government?

Mr. FICKE. Yes, sir; it is a free public bridge.

Mr. HENDERSON, of Iowa. It is for wagons and foot passengers.

Mr. HASSE. Yes, sir; and connects Rock Island with the city of Davenport. As to these joists, their removal has been recommended by the commander of the arsenal. He finds that they have a capacity to carry 16,000 pounds of an equally distributed load. At the present time, it carries a center load of 14,000 to 16,000 and 18,000 pounds daily, which is equal to an equally distributed load or double the amount. That is, the bridge carries, in its present condition, double what it ought to carry if it were in perfect condition. That is what the commanding officer has reported.

Mr. CABLE. Did he not say that that state of affairs might arise—not that the risk was occurring daily?

Mr. HASSE. Street cars and wagons run daily and meet daily on the bridge. Vehicles do not daily carry these loads on certain parts of the bridge.

Mr. HENDERSON of Iowa. The danger is as to the wagon road.

Mr. HASSE. The wagon road is in the center of the bridge which connects the Rock Island Arsenal with the city of Rock Island. The bridge carries street cars as well as wagons. It is the highway of transportation between the cities of Davenport and Rock Island. The commanding officer has examined the bridge and found it in such condition as has been described, and recommends an appropriation to replace the present joists with iron joists of 99 pounds to the yard. If those iron joists are put in the bridge will be made safe for all time, and no other expense will be necessary.

This wagon bridge that connects the island of Rock Island with the city of Rock Island is only a bridge of four spans. This bridge was built twenty-four years ago; and the first design was that the floor was to be supported by iron beams weighing 150 pounds to the yard: but by some change or error wooden beams were put in.

Mr. SAYERS. There are not two bridges?

Mr. HASSE. Yes, sir.

Mr. SAYERS. And they are both unsafe?

Mr. HASSE. Yes, sir.

Mr. SAYERS. And you want repairs for both?

Mr. HASSE. Yes, sir; the \$50,000 includes both.

Mr. SAYERS. Is there any joint occupancy between the Government and the Rock Island Railroad, or any other railroad company, as to this last bridge which you speak of?

Mr. HASSE. Not at all.

Mr. SAYERS. The joint occupancy is only as to the first one?

Mr. HASSE. Yes, sir.

Mr. SAYERS. You say that the joists of both of these bridges are wooden?

Mr. HASSE. I have not gotten to the last one yet.

Mr. SAYERS. But they are both wooden joists; and the purpose of this appropriation—if you get it—will be to replace these wooden joists with steel ones.

Mr. HASSE. Yes, sir; with steel beams.

Mr. SAYERS. It will not cost over \$50,000 for both bridges?

Mr. HASSE. No, sir.

Mr. HENDERSON of Iowa. I want to ask a question, and any of you gentlemen familiar with the facts can answer, as to whether or not the seven hundred joists were put in by the Government? Have all the improvements, repairs, etc., that have been made on the bridge been made by the Government?

Mr. HASSE. Yes, sir.

Mr. HAYES. This bridge is just at the end of the island, over the main stream of the Mississippi River.

Mr. CABLE. Mr. Buffington told me last month, when I was in Rock Island, that should two very heavy vehicles meet at some of the weak points in that bridge he would not venture to say that they could pass safely. The floor might give away and precipitate the loads into the river below; and possibly the same might happen with street cars.

Mr. FICKE. It might be added that at first they did not allow loaded wagons to cross the bridge, except during the time the ferry was not running, when the river was frozen. At that time it was not thought that street cars would be permitted to cross; but the Government has allowed it.

Mr. HENDERSON of Illinois. The Government opposed it; but Congress authorized it by legislation. The Government wanted to keep control of the bridge.

Mr. HENDERSON of Iowa. If there is anything in this act throwing difficulties in the way, I want these gentlemen to explain it while they are here.

(Mr. Henderson here read the resolutions of Congress and statutes bearing on the matter: Chapter 170, approved March 7, 1876; the act making appropriations for the support of the Army, approved June 20, 1868, stating that that of itself would raise a question that would be troublesome. He also read the resolutions of Congress approved July 20, 1868, in relation to the Rock Island bridge.)

Mr. HAYES (after hearing the reading of the laws). I do not see that that cuts any figure, for the Government has a right to fall back on this guaranty of the railroad and recover on it. I think the Rock Island road never paid any of the expenses of the wagon bridge.

Mr. HASSE. The Rock Island road has never paid any of the expenses for the bridge below.

Mr. SAYERS. Has the Government been at the expense of maintaining piers and that portion of the bridge below the second story, so to call it?

Mr. FICKE. It has just put in a draw pier.

Mr. HAYES. The Rock Island road made a good bargain.

Mr. HENDERSON of Illinois. I do not see how they got out of maintaining their part of the bridge.

Mr. HENDERSON of Iowa. Here is the guarantee of the Rock Island road.

Mr. HENDERSON of Illinois. That bridge referred to there was the original bridge, which proved to be a great obstruction to navigation, and it was found necessary to rebuild it.

Mr. SAYERS. Gen. Flagler has been in charge of the arsenal for a great many years, and I wonder he has not called attention to the matter.

Mr. HASSE. I can answer that question. During the sixteen years that Gen. Flagler was there that bridge was never used for anything except Government wagons and light loads. Occasionally a heavy load for the Government went over it. Since Gen. Flagler left Congress has allowed the street cars to cross there, and also allowed general traffic; and, while the bridge is heavy enough for any sort of load that it might be subjected to, the original joists have never been heavy enough. That is proved by experts and by the Government engineers.

Mr. SAYERS. Why has not Gen. Flagler reported to the Department or to Congress the fact that the railroad had not contributed its share to the maintenance of this bridge?

Mr. HAYES. I do not know but what the railroad has complied with all its liabilities. I do not think there has ever been any trouble. There has always been harmonious action.

Mr. SAYERS. That would be right, provided the action was not all one way.

Mr. HAYES. I do not think there has ever been any question of their failing or refusing to pay their part. I do not know the history of that, however.

Mr. HENDERSON of Iowa. It seems that Mr. Cannon went all over this in the last Congress. There are stipulations here requiring the refunding of part of the cost by the railroad.

Mr. SAYERS. The Government paid for half of the upper part.

Mr. CABLE. Certainly.

Mr. SAYERS. So the railroad did not do that all.

Mr. HAYES. Only half of it.

Mr. SAYERS. Is \$50,000 sufficient to build that work?

Mr. HAYES. The Government could not build half and the railroad half. The Government would have to do the work and then call upon the railroad for reimbursement. The railroad would have to pay under its guarantee.

Mr. HENDERSON of Iowa. Here is a history of the bridge which is very long, and I find it marked by Mr. Cannon, who seems to have studied it up.

Mr. COURTS. Legislation began first in the Fiftieth Congress, and then it was taken up again during the last Congress.

Mr. SAYERS. We will have Gen. Flagler before us on this matter.

WASHINGTON, D. C., *Friday, June 3, 1892.*

STATEMENT OF JOHN W. MASON, COMMISSIONER OF INTERNAL REVENUE.

Mr. SAYERS. We want to ask Commissioner Mason about some items at the bottom of page 4, for salaries and expenses of agents, salaries of storekeepers and gaugers, and miscellaneous expenses deficiency for the fiscal year ending June 30, 1891, \$6,000. They are deficiencies actually accrued?

Mr. MASON. Yes, sir. You made one or two appropriations for deficiencies, and we thought we had enough, but it did not prove to be so.

Mr. SAYERS. How much appropriations for deficiencies have been made heretofore for 1891?

Mr. MASON. I would not like to trust my recollection, but my recollection would be that the appropriation was \$2,000,000 and we asked for \$110,000 deficiency and you gave \$100,000, and that left the deficiency still of \$6,000.

Mr. SAYERS. So that your total expenditures for these purposes for 1891 were \$2,106,000?

Mr. MASON. Yes, sir; in round numbers.

Mr. SAYERS. The next item is for salaries and expenses of agents, surveyors' fees, expenses for gaugers, salaries, and miscellaneous expenses, \$165,000. The appropriations for 1892 were \$2,000,000. This is an anticipated deficiency, is it not?

Mr. MASON. Yes, sir. We anticipate that the deficiency this year will be \$165,000. We can not tell exactly.

Mr. SAYERS. You estimated for \$2,100,000. You received \$2,000,000; and you need \$165,000 in addition?

Mr. MASON. Yes, sir. I sent for the chief of the accounts division, and he told me the fund would be about exhausted this month; and we must pay our storekeepers and gaugers for the month of June. The salaries of storekeepers and gaugers alone cost us about \$2,000,000 a year in round numbers. We have some other expenses to pay out in addition. We will be in arrears for storekeepers' and gaugers' salaries for June about \$165,000.

Mr. SAYERS. There is no question but what this will accrue?

Mr. MASON. No, sir. I can give you the exact amount, or within a few dollars of what it will be.

Mr. SAYERS. Please send me such a statement.

Mr. MASON. I can show you the actual disbursements up to the 1st of April. We are now paying the May accounts. I can show you what we have expended up to the 1st of April and pretty nearly what we have expended in May. We do not know what that will be until the accounts are allowed.

Mr. DINGLEY. State in your letter the reason why these expenditures have been more than you estimated.

Mr. MASON. Yes, sir. We have in some States, especially in Kentucky, an increased number of small distilleries, arising out of the local laws over there. We have more small distilleries than we have heretofore had.

Mr. DINGLEY. The estimates are on the basis of the productions of the year before.

Mr. MASON. Yes, sir.

STATEMENT OF J. M. COMSTOCK, CHIEF OF THE CUSTOMS DIVISION, TREASURY DEPARTMENT.

Mr. SAYERS. What office do you hold?

Mr. COMSTOCK. Chief of the customs division, Treasury Department.

Mr. SAYERS. Please explain this item: "Refund of import duties." Tell it just as briefly as you can, so that the record will not be encumbered.

Mr. COMSTOCK. The steamer *Werra* broke her shaft and imported a shaft from Germany to replace it. The repairs were done in the United States. The same thing occurred to the *Strasburg* at Baltimore. The Treasury demanded duty upon the shaft as an importation. They appealed, and we had two opinions from the Solicitor-General and the Attorney-General, by Judge Taft, adverse to granting the refund that was claimed. The refund was claimed largely upon the ground of international courtesy. It was not based upon any tariff law. They said if any American steamer had broken a shaft and put into a German port she would have been permitted to bring in a new shaft free.

Mr. SAYERS. If I recollect aright, in the Fiftieth Congress some refund was allowed, was it not?

Mr. DINGLEY. Not on an appropriation bill.

Mr. SAYERS. Yes, sir.

Mr. DINGLEY. It is nothing but a claim.

Mr. COMSTOCK. A similar item has been allowed.

Mr. SAYERS. I do not know whether it was on an appropriation bill or not.

Mr. DINGLEY. I think it would be proper on a separate bill.

Mr. COMSTOCK. It is a clear case. It is simply a claim, on the ground I have stated. There are many merits in the claim. For instance, if this same steamer had brought over here an extra equipment of that sort and in that shape, she would have been permitted to go with it and use it. This was an importation and the custom-house authorities had no recourse but to exact a duty upon it.

STATEMENT OF JAMES P. LOW, ACTING SUPERVISING ARCHITECT OF THE TREASURY, ACCOMPANIED BY MR. ST. JULIAN J. DAPRAY, CHIEF ACCOUNTS DIVISION.

Mr. SAYERS. We will hear Mr. Low upon the items in reference to heating apparatus for public buildings at the following places:

The first is Greenville, S. C.

Mr. LOW. What I have to say about that building will apply equally to those of Statesville and Vicksburg. They are all in the same condition. These buildings were put under contracts some years ago when the plans and estimates were made, and the contracts, or some of them, have been made within the last two years. In the effort to make these buildings accommodate the public business comfortably and properly, the drawings and estimates were made somewhat too near the limit of cost, as appeared by experience when we came to wind up the work of building, so that finally, in all these cases, when we came to put in the heating apparatus, under the contracts, we found we had not quite money enough in these cases. We were short, on the whole, about one-half the cost of the heating apparatus. These buildings are all ready for the heating apparatus and can not be comfortably occupied next winter without the heating apparatus, and we had not the money to put them in.

Mr. SAYERS. Have you any money at all for heating apparatus for the building at Greenville, S. C.?

Mr. LOW. We have a small balance, \$1,244.60.

Mr. SAYERS. For the building at Los Angeles, Cal., how much have you?

Mr. LOW. We have \$446.48.

Mr. SAYERS. For the Statesville, N. C., building, how much have you?

Mr. LOW. We have \$5,044.

Mr. SAYERS. For the Vicksburg, Miss., building, how much?

Mr. LOW. We have \$4,935.94.

Mr. SAYERS. I understand that you have these balances on hand for these respective buildings for the heating apparatus.

Mr. LOW. We have these balances on hand for the heating apparatus.

Mr. SAYERS. I want to know how it is that you require so much more for Greenville, Statesville, and Vicksburg than you do for Los Angeles?

Mr. LOW. The precise estimate for heating apparatus in these buildings I have not here; but with regard to Los Angeles, we took some proposals on the heating apparatus, and we did the same thing at Vicksburg, in order to ascertain what the deficiency really was, and we called for that deficiency in round numbers.

Mr. SAYERS. Why did you not say what the sum was that was needed at Greenville and Statesville?

Mr. LOW. We knew it was useless to go to the expense of advertising, and therefore we did not make the estimate for those buildings; in fact, I think the contracts and details were not quite finished.

Mr. SAYERS. Have you with you the estimates as to the total cost of the heating apparatus for these buildings?

Mr. LOW. No, sir.

Mr. DINGLEY. There seems to be a great difference between the cost at these places.

Mr. LOW. These estimates were made to cover the estimated deficiencies. The estimates were made in the office.

Mr. SAYERS. I understand you to say that those balances which you have given to the committee are balances that may be used and would be used for heating apparatus?

Mr. LOW. Yes, sir.

Mr. SAYERS. And for no other purposes?

Mr. LOW. For no other purposes.

Mr. HENDERSON. Los Angeles is a pretty good-sized city; I have been there. I do not know about Greenville. I see the total estimate for Greenville would be \$6,244 and for Los Angeles \$3,546.46. Is the Greenville building larger than the Los Angeles building?

Mr. LOW. No, sir; but the climate is different.

Mr. HENDERSON. Oh, yes! then explain that fully to us.

Mr. LOW. I do not know that I can explain it any better than to say that in a mountain climate like Greenville, S. C., the demands on the heating apparatus are much more than they would be in a less severe climate such as Los Angeles.

Mr. DINGLEY. You have a still higher estimate for the building at Vicksburg which is still further south.

Mr. HENDERSON. The estimate for Statesville is \$7,544 as against \$3,546.46 for Los Angeles.

Mr. LOW. I can only say that I made estimates for this heating apparatus for each of these buildings. In two cases we had additional practical estimates for the purpose of heating, and we found what the cost would be of putting in heating apparatus at those places, and our estimates were made up from those figures.

Mr. HENDERSON. I see that the estimates for Greenville, Statesville, and Vicksburg run pretty close, whereas the estimates for Los Angeles are only about half as much as the others.

Mr. LOW. I can only explain that by saying that the heating apparatus in these buildings is estimated for according to the size and the arrangement, the local temperature, etc. We would expect the California heating apparatus to cost much less than the one in Greenville, S. C., on general principles. We do not require so much heat or boiler-power at the latter place.

Mr. HENDERSON. What is the condition at Greenville?

Mr. LOW. They have cold winters. It is a mountain climate.

Mr. HOLMAN. In making original estimates and preparing plans for this heating apparatus was that taken into account?

Mr. LOW. It was originally. Those estimates were made some years ago under the administration of a former Supervising Architect, I think more than four years ago. I know that was the case with the building at Los Angeles.

Mr. HOLMAN. But the cost of such work is increased very much over former years.

Mr. LOW. No, sir; I can not say it is. I can say with regard to that that when those estimates were originally made some years ago it became evident from the result in building that the buildings were made a trifle too large for the limit of the appropriation fixed by Congress. That was undoubtedly done. I speak from the general practice of the office. Of course it is only an estimate. We are sometimes liable to err on one side or the other.

Mr. HOLMAN. The error is generally on the side of the building.

Mr. LOW. Not always.

Mr. HENDERSON. It is the case in private buildings; it never gets below.

Mr. LOW. It is not against the Government if the Government gets the accommodation it really needs.

Mr. HOLMAN. It is the accommodation that the Government provides for by its original appropriation.

Mr. LOW. That would be a matter of judgment.

Mr. HENDERSON. In order to form a judgment of the error in the estimates, I want to know what was the total appropriation of the Greenville building?

Mr. LOW. It was stated in the reports of the Supervising Architect. The limit of cost fixed by Congress for the Greenville building was \$100,000.

Mr. HENDERSON. And how much at Los Angeles?

Mr. LOW. At Los Angeles it was \$150,000.

Mr. HENDERSON. How much at Statesville?

Mr. LOW. \$75,000.

Mr. HENDERSON. How much at Vicksburg, Miss.?

Mr. LOW. \$107,000.

Mr. HENDERSON. Have you in your office a statement of the plans or kind of heating apparatus to be put up in each building, so that you could furnish the committee with the data for judging as to the cost of this heating apparatus?

Mr. LOW. We could furnish an estimate of the cost and also a description of the kind of apparatus.

Mr. HENDERSON (to Mr. Sayers). If this would assist us, don't you think it would be well for Mr. Low to give us a letter on that point?

Mr. SAYERS. Yes. In addition to that, I wish he would send us a statement showing the appropriations and expenditures in each one of these public buildings, and for what purpose.

Mr. LOW. I will do so.

Mr. HENDERSON. That is doing pretty well on the limit of \$422,000. If persons do that well in building private property, they do exceedingly well.

Mr. SAYERS. The next is the building at Milwaukee. I wish you would explain to the committee why you want \$10,720 for rent.

Mr. LOW. With regard to that question, I can personally furnish no explanation except what is shown in this correspondence which is printed here, and which amounts to the fact that Congress has authorized the payment of rent for this old building that we sold, and has made no appropriation from which that rent can be paid, as will appear from the opinion of the Comptroller, printed here in this document, No. 65. As to the details, I would like to refer you to Mr. Dapray, chief of the law and contract division, who is entirely familiar with those details.

Mr. HOLMAN. Has the old building been sold?

Mr. LOW. It was sold. I will ask Mr. Dapray to explain that.

Mr. HENDERSON. I do not know that I understand this. What is this money to be paid for?

Mr. LOW. It is to pay rent for the old building.

Mr. HENDERSON. It does not belong to the Government, then?

Mr. LOW. It has been sold, giving to the Government the privilege of using it for a certain rental, which is to be 6 per cent on the amount for which it was sold.

Mr. HENDERSON. Having parted with the property and still using it, we are paying rent?

Mr. LOW. Yes sir; the Comptroller has decided that the money received from that property must be turned into the Treasury and can not be used.

Mr. DINGLEY. It must be accredited to this building?

Mr. LOW. Yes, sir.

Mr. DINGLEY. And that increases the limit of cost of that building to the extent of the amount?

Mr. LOW. Yes, sir.

Mr. HENDERSON. When was this building sold?

Mr. DAPRAY. On December 13, an agreement was entered into between the Secretary of the Treasury and one James L. Gats, who has possession of the property, and it will be found on page 302 of the volume.

The law authorized the sale of the old building on the new site and the use of the proceeds for the new building. It also authorized the sale of the old custom-house and the post-office, and its use for the new building. It also provides for renting it back from the purchaser at 6 per cent on the purchase money. The Department thought that that would be a considerable outlay for rent, and required the purchaser to make payments for the old building in four installments, one-quarter cash, one-quarter in one year, one-quarter in two years, one-quarter three years, with 6 per cent interest per annum on the deferred payments. In that way, that offset this 6 per cent rental, which the act directed should be paid. That agreement was entered into in December, 1891. The time for the first payment for reasons that were sufficient to the Department, was extended until May 21, 1892. The first payment of \$30,000 was then paid, and the next payment will be due on the 1st of January, 1893, and the last on the 1st of January, 1894, with 6 per cent interest on the deferred payments. The question as to whether they must pay rent out of the proceeds of this property after it was sold was raised on account of the general statutes which provide that the proceeds of the sale must be credited to the miscellaneous receipts. That question

was submitted to the Comptroller. He decided that there was no power to keep it and use it, and that the proper course would be to submit the matter to Congress for an appropriation to pay the rent. The rent for a period of four years at 6 per cent (they say it will take four years to construct a new building and have it ready for occupancy) would be \$61,340.

The old custom-house was sold for \$256,000, plus 6 per cent on the deferred payments, which will aggregate a total of \$279,000.

Mr. HENDERSON. Including interest?

Mr. DAPRAY. Yes, sir. The \$25,000 offset the rent, so that the total amount of rent paid in four years will be \$38,340.

Mr. DINGLEY. The effect was to increase the appropriation for that building \$279,000?

Mr. DAPRAY. Yes, sir, plus the amount derived from the sale of the old building on the new site. Those old buildings were sold, and the amount derived therefrom was \$1,600.

Mr. HENDERSON. Let us test the accuracy of Governor Dingley's suggestion. The appropriation for that building was how much?

Mr. DAPRAY. \$1,200,000.

Mr. HENDERSON. Plus the proceeds of the sale of the old buildings?

Mr. DAPRAY. Yes, sir; which was \$256,000, plus said \$25,000.

Mr. HENDERSON. That was \$256,000, and was contemplated as a part of the limit?

Mr. DAPRAY. Yes, sir. In the original act the appropriation was \$1,200,000.

Mr. HENDERSON. And also the proceeds of the old buildings?

Mr. DAPRAY. A subsequent act did that, the act of March 3, 1891.

Mr. HENDERSON. The acts of Congress contemplated a little over one and a fourth millions.

Mr. DAPRAY. \$1,200,000, plus the proceeds of the sale of the old buildings on the new site, which have been found to be worth \$7,600?

Mr. HENDERSON. Do either of these acts say anything about the interest on deferred payments?

Mr. DAPRAY. Yes, sir.

Mr. HENDERSON. Those acts did not contemplate anything but a cash sale?

Mr. DAPRAY. A cash sale, I presume. The only object the Treasurer had to attain in that act was to have the proceeds of the sale ascertained, so that it could make a proper balance to the limit of cost, as it is prescribed by law; and they thought it was good business management to sell this piece of property four years before a necessity arose for it, paying 6 per cent interest on the gross amount of the purchase money, and that offset the matter of rent. Had the Government sold it for cash it would only have gotten \$256,000.

Mr. SAYERS. What I desire to know is this: Does your office contemplate using the interest in the construction of a new building?

Mr. DAPRAY. Yes, sir; that is part of the purchase price, \$253,000, plus the interest on the deferred payments.

Mr. HENDERSON. That is under the decision of the Comptroller?

Mr. DAPRAY. It is under the facts in the case.

Mr. DINGLEY. You say your office raised the point that this should come out of the interest, and the Comptroller decided it was otherwise?

Mr. DAPRAY. Yes, sir.

Mr. DINGLEY. So that the office at first looked upon it as being equitable that this should come out of the proceeds of the sale?

Mr. DAPRAY. It was last September that that question came up by the Comptroller's decision, and that, of course, was before the date of the sale of the property. The office raised that question before the actual sale.

Mr. SAYERS. The original limit was fixed at \$1,200,000?

Mr. DAPRAY. Yes, sir.

Mr. SAYERS. Then it was increased to \$1,600,000?

Mr. DAPRAY. No, sir. It does not appear here. From the memorandum I have, \$1,200,000 was the amount.

Mr. SAYERS. Here is a concluding clause of an appropriation act of the last Congress referring to the post-office, court-house, and custom-house at Milwaukee, Wis.: "And the limit of cost fixed by said act for the erection of said building is hereby increased to \$1,400,000."

Mr. DAPRAY. That is the act of March 3, 1891.

Mr. SAYERS. That is the act of the first session, Fifty-first Congress, August 30, 1890.

Mr. DAPRAY. I see that that is the sum. The first act limited the cost to \$800,000 and the site to \$400,000. Then the act of August 30, 1890, increased the

limit of cost for the building to \$1,200,000. Then the act of March 3, 1801, increased the aggregate proceeds of the amount of the sale of the old custom-house and the post-office and the old buildings on the new site, so that the limit of cost of the new building alone was then \$1,200,000 plus \$7,600, derived from the sale of the old building on the new site, and plus \$279,000, derived from the sale of the old custom-house and post office site, making a total limit on the site and building of \$1,886,600.

Mr. HENDERSON. And interest thereon?

Mr. DAPRAY. That includes interest.

Mr. HENDERSON. Have there been two acts?

Mr. DAPRAY. Yes, sir.

Mr. HENDERSON. Has the purchaser paid everything that has fallen due?

Mr. DAPRAY. The purchaser has paid the first payment of \$64,000; and there was a question as to whether the owner would waive the question of rent: in fact, he has been required to do so. He waives the claim for rent from January 1 to May 21, if the Government will waive the question of interest on the \$64,000 from January 1 to May 21. This is against the purchaser, for the reason that the 6 per cent interest would aggregate \$1,000 more than the interest on the \$64,000.

Mr. HENDERSON. If he should offset the interest as against the rent?

Mr. DAPRAY. Yes. I think it is clear that the Comptroller's views are correct.

Mr. HENDERSON. Then you do not need this deficiency?

Mr. DAPRAY. Yes, sir; the Comptroller's view was that we would have to get a deficiency.

Mr. HENDERSON. Suppose the Government should now sue him for the interest, can not he plead the rent due him?

Mr. DAPRAY. The rent might be added on, but for the oral understanding that the owner consented to waive the matter of rent, if the Government would consent to waive the matter of interest on the \$64,000, plus the payment for the old buildings.

Mr. SAYERS. When the Department waived interest, did he waive rent?

Mr. DAPRAY. He consented to do it orally; but it appears that his attorney then raised that question.

Mr. SAYERS. When was that oral agreement entered into?

Mr. DAPRAY. It was May 21 of this year.

Mr. SAYERS. Is that the way you do business down there in your office—by oral agreements?

Mr. DAPRAY. It was reduced to writing on that date and signed by the Secretary, who addressed a letter to Mr. Gates, who was the purchaser. Upon the receipt of that letter, his attorneys raised the question as to whether they should waive the matter of rent from January 1 to May 21, or only on the \$64,000 for that period.

A Senate committee, through Senator Allison, has asked for a full statement in regard to this matter, and I expect to furnish the data in a day or two.

Mr. HENDERSON. The appropriation asked for is the difference between the rent and the interest?

Mr. DAPRAY. No, sir. It is for the whole amount of the rent for a period of two years.

Mr. DINGLEY. And yet you ask for an appropriation for rent for two years, or until January, 1894?

Mr. DAPRAY. Yes, sir, because the obligation would become due before the next Congress would appropriate the money.

Mr. DINGLEY. Is this payable at the end of the year, or semiannually?

Mr. DAPRAY. I do not remember the terms.

Mr. HENDERSON. Send the committee a copy of your Allison letter. I doubt if there can be a dollar collected until the 1st of June, if it is only for rental.

Mr. DAPRAY. The Department thought it was not advisable to sell outright, for the reason that the Government would have to give a quitclaim deed.

Mr. HENDERSON. You had better give us all the documents relating to that.

Mr. DAPRAY. Very well.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., June 6, 1892.

*The Subcommittee on Deficiencies of the Committee on Appropriations,
House of Representatives United States, Washington, D. C.*

GENTLEMEN: Referring to your verbal request of the 3d instant, I have the honor to inclose herewith, for your information, statement of the estimated cost

of completing the public buildings at Vicksburg, Miss.; Statesville, N. C.; Greenville, S. C., and Los Angeles, Cal.

The additional information requested will be furnished to-morrow.

Respectfully yours,

JAMES P. LOW,
Acting Supervising Architect.

United States custom-house, court-house, and post-office at Vicksburg, Miss.

TREASURY DEPARTMENT,
OFFICE SUPERVISING ARCHITECT,

June 4, 1892.

Statement of estimated cost of heating apparatus for certain public buildings, with relation to additional appropriations required to enable the Treasury Department to enter into contracts for furnishing and placing same, requested by the subcommittee of the Committee on Appropriations of the United States House of Representatives on June 2, 1892. Executive Document 188.

Balance of appropriation available June 3, 1892	\$4, 839. 94
Amount of additional appropriation asked	2, 500. 00
	<hr/>
	7, 339. 94

Estimated cost of heating apparatus, including plans, specification, advertising for proposals, inspection, etc	7, 200. 00
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The heating apparatus to be a low-pressure, return-circulation, steam-heating and ventilating apparatus, including boiler, etc., complete, principally indirect radiation.

United States court-house and post-office, Statesville, N. C.

TREASURY DEPARTMENT,
OFFICE SUPERVISING ARCHITECT,

June 4, 1892.

Statement of estimated cost of heating apparatus for certain public buildings, with relation to additional appropriations required to enable the Treasury Department to enter into contracts for furnishing and placing same, requested by the subcommittee of the Committee on Appropriations, House of Representatives, on June 2, 1892. Executive Document 188.

Balance of appropriation available June 3, 1892	\$5, 043. 72
Amount of additional appropriation asked	2, 500. 00
	<hr/>
	7, 543. 72

Estimated cost of heating apparatus, including plans, specification, advertising for proposals, inspection, etc	7, 500. 00
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The heating apparatus to be a low-pressure, return-circulation, steam-heating and ventilating apparatus, including boiler, etc., complete, principally indirect radiation.

United States court-house and post-office, Greenville, S. C.

TREASURY DEPARTMENT,
OFFICE SUPERVISING ARCHITECT,

June 4, 1892.

Statement of estimated cost of heating apparatus for certain public buildings, with relation to additional appropriations required to enable the Treasury Department to enter into contracts for furnishing and placing same, requested by the subcommittee of the Committee on Appropriations of the United States House of Representatives on June 2, 1892. Executive Document 188.

Balance of appropriation available June 3, 1892	\$4, 244. 63
Amount of additional appropriation asked	2, 000. 00
	<hr/>
	6, 244. 63

Total	6, 244. 63
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Estimated cost of heating apparatus, including plans, specification, advertising for proposals, inspection, etc	6, 000. 00
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The heating apparatus to be a low-pressure, return-circulation, steam-heating and ventilating apparatus, including boiler, etc., complete, principally indirect radiation.

United States court-house and post-office, Los Angeles, Cal.

TREASURY DEPARTMENT,
OFFICE SUPERVISING ARCHITECT,

June 4, 1892.

Statement of estimated cost of heating apparatus for certain public buildings, with relation to additional appropriations required to enable the Treasury Department to enter into contracts for furnishing and placing same, requested by the subcommittee of the Committee on Appropriations of the United States House of Representatives on June 2, 1892. Executive Document 188.

Balance of appropriation available June 3, 1892	\$536. 48
Amount of additional appropriation asked	3, 000. 00
	3, 536. 48
Estimated cost of heating apparatus, including plans, specification, advertising for proposals, inspection, etc	3, 200. 00

The heating apparatus to be a low-pressure steam heating and ventilating apparatus, including boiler, etc., complete, direct radiation.

WASHINGTON, D. C., *June 4, 1892.*

STATEMENTS OF F. O. ST. CLAIR, CHIEF OF THE CONSULAR BUREAU, STATE DEPARTMENT, AND FRANCIS J. KIECKHOEFER, CHIEF OF THE BUREAU OF ACCOUNTS, STATE DEPARTMENT.

Mr. SAYERS. The first item on page 2 that comes under your Department is for *chargé d'affaires*. Is it customary to allow a subordinate officer in your Department, when performing the duties of a higher office, to charge for that increased pay?

Mr. KIECKHOEFER. This is to allow the increase of pay to the position of *chargé d'affaires*. It is to pay a secretary of legation as *chargé d'affaires* when acting in the absence of the minister.

Mr. HENDERSON. Is this the custom?

Mr. KIECKHOEFER. This is the law.

Mr. SAYERS. I wish you would send us a statement which will show fully how this item is made up.

Mr. KIECKHOEFER. Which will show which missions were filled? I will do so.

Mr. SAYERS. The next item is—

Mr. KIECKHOEFER. Salaries of consular service is the next amount. It is to pay the amounts found due by the accounting officers where the appropriations were not sufficient to cover the salaries actually paid. For instance, there have been frequent changes in particular consulates. Say there is a salary appropriated for a consulate at \$5,000 a year. When a new man is appointed he receives instructions for thirty days with salary attached, and he also receives pay while going to his post. Another man is at the post drawing the same salary.

Mr. SAYERS. Has that been the uninterrupted custom, that a consul who is serving draws pay as well as the one appointed in his stead?

Mr. ST. CLAIR. Yes, sir; ever since the foundation of the system in 1856. In the bill recently passed there have been made provisions to cover the instruction period, which will in the future obviate this deficiency.

Mr. SAYERS. I wish you would send this committee an itemized statement showing how this amount is made up.

Mr. ST. CLAIR. For each office?

Mr. SAYERS. Yes, sir.

Mr. ST. CLAIR. I will do so. We can get that from the First Comptroller.

Mr. SAYERS. The next item is at the bottom of the page.

Mr. ST. CLAIR. There is a specific appropriation to pay the salaries of consular officers who are not citizens of the United States. It so happens that in these consulates that are far away vice-officers are sometimes appointed. The principal officer may not be in office, and the foreigner may hold the office for a longer period than had been estimated for, and, consequently, that would exhaust the appropriation, which is, I think, about \$10,000 a year for this particular item; but each dollar of this amount that is drawn out of the Treasury is offset by a similar amount taken off the regular appropriation, which goes back into the Treasury.

Mr. SAYERS. You had an appropriation for 1891 of \$10,000 for this purpose?

Mr. ST. CLAIR. Yes, sir.

Mr. SAYERS. Is this an ascertained deficiency for 1891?

Mr. ST. CLAIR. Yes, sir.

Mr. SAYERS. What was your appropriation for this purpose in 1890?

Mr. ST. CLAIR. I think there has been no change.

Mr. SAYERS. What was the deficiency in 1890?

Mr. ST. CLAIR. I am unable to say.

Mr. KIECKHOEFER. I think we were \$6,000 short in 1890, because I see in the next item there is a deficiency.

Mr. SAYERS. I wish you would send us a statement covering that item, showing how this occurred, to whom, and in what amounts.

Mr. ST. CLAIR. As an illustration, I will say that there was an appropriation of \$2,000 for the salary of the consul at Sidney, Australia.

Mr. SAYERS. Was he a foreign officer?

Mr. ST. CLAIR. He was a citizen of Kentucky. He died, and the office has been conducted by a foreign vice officer up to the present time. His salary is \$2,000 a year. It is not drawn from the Treasury, but an equivalent amount is being drawn for the payment of this foreigner. After this year it will not be so, because in the new bill which has passed the House it is provided to pay the man who discharges the duties, no matter whether he may be a foreigner or a native.

Mr. HENDERSON. You say, for instance, that if A dies and he is a citizen of the United States, a man is at once put in his place, a foreigner and a vice officer, and does he go on drawing the same pay as the first man?

Mr. ST. CLAIR. No, sir; he draws his pay from this special fund.

Mr. HENDERSON. What fund?

Mr. ST. CLAIR. You will find an appropriation for consular officers not citizens of the United States, so many thousand dollars.

Mr. HENDERSON. That would leave unexpended the money appropriated to pay the salary of the man who died?

Mr. ST. CLAIR. Exactly.

Mr. HENDERSON. That would be covered back into the Treasury?

Mr. ST. CLAIR. Yes, sir.

Mr. HENDERSON. It is not an increased expenditure.

Mr. ST. CLAIR. Not at all.

Mr. SAYERS. Please send a statement covering all of these items.

Mr. ST. CLAIR. I will do so.

Mr. SAYERS. And also how the regular appropriation has been expended.

The next item is on the bottom of the second page. To pay the amount found due by the accounting officers on account of salaries of consular officers not citizens of the United States, for the year 1892, \$2,195.36.

Mr. KEICKHOEFER. That is the same, but not ascertained until later. The accounts from distant points did not come in in time for last year's estimates.

Mr. SAYERS. The next item is loss by exchange in the diplomatic service.

Mr. KEICKHOEFER. That is \$71. It is pretty close. That is for the pay of the exchange on some minister's draft, possibly the minister to China. I remember that on account of the silver legislation exchange went up.

Mr. SAYERS. In remitting what is due to the diplomatic and consular service, does the Government pay the exchange?

Mr. KEICKHOEFER. Yes, sir.

Mr. SAYERS. In other words, the minister or consul is to receive free of charge what he would get if he happened to be here and drew his pay from the Treasury?

Mr. KEICKHOEFER. Yes, sir. He gets the full amount appropriated.

Mr. SAYERS. Loss by exchange in the consular service.

Mr. KEICKHOEFER. That is the same thing.

Mr. HENDERSON. Those are ascertained balances.

Mr. KEICKHOEFER. Yes, sir; all of those have been through the Comptroller's Office in the Treasury.

Mr. SAYERS. Here is an item for contingent expenses of the United States consulates.

Mr. KEICKHOEFER. It can be explained in this way: The necessities of the service required the expenditure of the money, and the money was not appropriated for it and has not been year after year.

Mr. SAYERS. Your estimate was for \$150,000 and you received \$150,000.

Mr. ST. CLAIR. We estimated for \$200,000.

Mr. SAYERS. Your estimates for 1890 were for \$150,000, and the appropriation was \$150,000, and yet you ask for \$74,161.76.

Mr. ST. CLAIR. I made that estimate, and I think it was stated that unless this was granted a large deficiency must follow.

Mr. SAYERS. Here is your estimate. You estimate for \$150,000 and received \$150,000, and you have expended \$74,161.76 more than your estimate.

Mr. ST. CLAIR. I understood the estimate to be \$200,000. There is a reference to these proposed new consulates.

Mr. SAYERS. That is the amount estimated for.

Mr. ST. CLAIR. We said we wanted \$150,000, and \$50,000 more if certain new consulates were created.

Mr. HENDERSON. Sometimes the estimate of a Department is cut down by the Secretary.

Mr. ST. CLAIR. Those are my figures and I must accept them. The only difference in the way of increase that would result by establishing those consulates named would be the item of rent. All the other expenses would be exactly the same.

Mr. SAYERS. How is it you expended \$74,161.76 more in 1891 than your estimates called for?

Mr. ST. CLAIR. That should have been \$200,000 and it should have been without that qualifying statement in there. It should be as it was the year before and this year.

Mr. SAYERS. I want you to furnish a statement of these contingent expenses.

Mr. ST. CLAIR. That can be furnished. Every article can be shown.

Mr. O'NEIL. What are the ordinary contingent expenses?

Mr. ST. CLAIR. Rent comes in first where it is a salaried office, and then 20 per cent of the amount of the salary is allowed for rent, if that much is expended; then you have postage, printing, stationery, furniture, and, usually, an iron safe. We have sent a great many iron safes to consulates. There are also flags, flagstuffs, fuel, lights, and stoves, and telegraphic bills.

Mr. KEICKHOEFER. This appropriation has been running about \$40,000 or \$50,000 for a long while. There have been deficiencies right along.

Mr. ST. CLAIR. It has been so ever since this department was constituted. The service is all the time increasing.

Mr. KEICKHOEFER. There is really not enough money to conduct the service.

Mr. ST. CLAIR. For four or five years that has been the case.

Mr. SAYERS. On page 4 there is an item to pay the amounts found due to accounting officers on account of contingent expenses of United States consulates for the fiscal year 1890, \$1,425.74.

Mr. ST. CLAIR. That is the same thing exactly.

Mr. SAYERS. There was an appropriation for 1890 of \$186,545.83. Now you require \$1,425.74 more to close your accounts, making in round numbers \$188,000 expended in 1890. You received \$150,000 for 1891, and you ask \$74,671.76 additional, making \$225,000 in round numbers, as against \$188,000 the previous year.

Mr. KEICKHOEFER. This year is that much greater.

At this point the committee adjourned.

WASHINGTON, D. C., June 7, 1892.

STATEMENT OF COL. WILLIAM R. MORRISON, INTERSTATE COMMERCE COMMISSIONER.

Mr. SAYERS. We will hear Col. Morrison on the items contained in this bill.

Mr. MORRISON. Here is a copy of the letter received by the Interstate Commerce Commission from the board of railroad commissioners of the State of

Georgia, which furnishes the foundation for it; at least it indicates the nature of the matter which we present here. It is addressed to myself as a member of the Commission. I will read it.

The letter was read, as follows:

RAILROAD COMMISSION OF GEORGIA,
Atlanta, January 11, 1892.

DEAR SIR: The Railroad Commission of Georgia feels a great interest in the termination in the case of the James & Mayer Buggy Company *vs.* The Western and Atlantic Railroad Company and the Georgia Railroad and Banking Company, brought by the Interstate Commerce Commission in the United States court, and to be heard soon in Atlanta, Ga. The points involved in this case are the same as the issues made in the several cases now pending before your honorable Commission, in which the Georgia Railroad Commission is the plaintiff. These cases are of vast importance to the people of Georgia; and the fact the decision in the case referred to in the United States court may decide the latter cases, the Georgia Railroad Commission feels a very great interest in the termination of the former case, and, owing to the fact that the defendant (the railroads) are represented by an array of the ablest lawyers in the States of Tennessee and Georgia, and as the district attorney (Mr. Darnell) is the only attorney, as we are informed, representing the plaintiff, we feel that the contest is an unequal one, and that the public good demands additional counsel for the plaintiff, and I take the privilege of making this suggestion, with the hope that you will secure additional counsel to assist in the representing of the case in court. I trust that the grave consequences which I apprehend may result in the final decision of the case will be a sufficient apology for this letter.

I refer you to either of the Georgia Senators, or any of the House members in Congress.

With very great respect,

L. N. TRAMMELL,
Chairman Railroad Commission.

Mr. W. R. MORRISON,
Interstate Commerce Commissioner, Washington, D. C.

(Continuing:) I have many others of the same kind.

Mr. SAYERS. Whom is that from?

Mr. MORRISON. The Board of Railroad Commissioners of the State of Georgia. We have had several of a similar character. We applied to the Attorney-General, and he sometimes, at least in one or two cases, appointed assistant counsel, with the understanding that we would pay them, stating that he had no money, and we did pay some attorneys.

Mr. HENDERSON. Out of the contingent fund?

Mr. MORRISON. Out of the ordinary appropriation. It was insufficient, and, therefore, I asked the Attorney-General for additional assistants, and he answered that he had no money for it. I then wrote this letter to the chairman of this committee, which I will read.

The letter was read, as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, April 18, 1892.

DEAR SIR: The annual estimate of the expenditures to give effect to the "act to regulate commerce" for the fiscal year ending June 30, 1893, submitted to Congress at the commencement of the present session was in the aggregate \$225,000. Further estimates were afterwards submitted as follows:

Additional for the year 1893	\$30,000
Deficiency for the year 1892	15,000

the last two named sums being necessary for the payment of additional counsel in suits pending or to be commenced in the courts of United States to enforce the lawful orders of the Commission. Five such suits were reported by the Commission as pending at the time of submitting its last annual report. Since then other like proceedings have been and still others will need to be instituted. The provisions of said act are as yet in the main without judicial interpretations, and the questions involved are of such consequence that no determination is likely to be accepted as conclusive without the decision of the highest court. The statute makes it the duty of district attorneys, under the direction of the Attorney-General, to institute all necessary proceedings for the enforcement of the act and for punishment of violations thereof; but, burdened as they are with

other duties, district attorneys are unequal to the duties enjoined by this provision of the statute without assistance of other counsel.

The inclosed copy of a letter from the railroad commission of the State of Georgia is one of several communications received showing the necessity for such assistance. In this, as in other cases, the railroad companies interested as parties defendant proceeded with the taking of testimony in the principal cities of the country, including those on the Atlantic and Pacific coast, and were represented by experienced counsel at the taking of such testimony at Atlanta and elsewhere, while the ordinary duties of the district attorney made his attendance in the court of his district imperative. The Commission in this, and other like urgent cases, made application to the Attorney-General for the employment of additional counsel, which was not accorded, the Department of Justice being without necessary appropriations for the purpose. In a few cases, deemed of exceptional importance, the Commission has heretofore, with the approval of the Attorney-General, provided additional counsel out of its ordinary appropriation, but these are no longer sufficient for the purpose.

It was in view of such facts that the Commission caused the supplemental or additional estimates to be presented for the consideration of your committee and Congress. In this connection it is respectfully suggested that it will greatly facilitate the suitable prosecution of the cases referred to if the Commission can know, as early as may be, that the appropriations asked for will be made; and it is, therefore, further respectfully suggested that if this expenditure is deemed suitable and appropriate that necessary provision therefor be made by your committee in the House, and not left to the Senate, where money bills do not ordinarily originate.

The ordinary annual expenditure of the Commission, \$225,000, is considerably less than the appropriations for the Fish Commission, while your annual appropriations, found in various bills, for the Geological Survey aggregate more than \$700,000, or more than three times as much as the annual expenditure of this Bureau. The investment of the companies engaged in the transportation which Congress has undertaken to regulate through the enforcement of the act, is capitalized at more than \$9,000,000,000, an important part of the estimated wealth of the United States. Four cents a barrel on the flour shipped out of Minneapolis in a single year, or a rebate of 3 cents per bushel on the wheat shipped from that city over a single road in 1889, exceeds the amount of annual expenditure made in the effort to secure fair and reasonable adjustment of rates and to prevent unjust discrimination throughout the entire country.

Respectfully yours,

WM. R. MORRISON,
Chairman.

HON. WILLIAM S. HOLMAN,
*Chairman Committee on Appropriations,
House of Representatives.*

Mr. SAYERS. There was an amount put in the sundry civil bill for that.

Mr. MORRISON. I may state in a general way that all the appropriations for our Commission, except that providing by statute for the payment of the Commissioners and their secretaries, is made in a lump sum, and we can apply it in whatever manner we find necessary where it can be spared. We have employed attorneys in some cases, with the approval of the Attorney-General, who appointed the persons or selected them upon his own motion, and we paid them. We applied for this additional assistance, and he answered that he did not have any money to pay, but that he would appoint anybody we would suggest if we had the money to pay for it. We have heretofore suggested the appointment of an attorney from Nebraska, who was employed at Chicago, and we paid him. We lately employed another man also. We want a deficiency of \$15,000.

Mr. SAYERS. Is this amount entirely covered by contracts already made?

Mr. MORRISON. No; because we have not made them. As is recited here in this letter, there are five cases pending in cases reported in December. We at that time expected the Attorney-General to supply the necessary legal assistance. The law makes it the duty of the district attorney to look after these matters, and applications could not be made so long as the district attorney was unequal to this work or had any other duties to perform, or, at least, quite as much legal work as he could do.

For instance, in this Georgia case, after this case was commenced, they began taking testimony at all the different cities on the Atlantic and Pacific coast and in the interior, and the attorneys were necessarily busy; that is, the district attorneys were necessarily busy in conducting moonshine cases and could not

give attention to the work. Applications come in from different parts of the country, and some of them came to the Supreme Court here, cases arising not on the statute creating the Interstate Commerce Commission, but relating to testimony applicable as well to violations of all kinds of law, post-office laws or violations of mail regulations, or forgeries, or anything like that; and we discovered that the district attorneys were no match for the counsel employed by the railroad companies. We therefore thought that it was necessary and wise to employ somebody else. For instance, in Pennsylvania we investigated the case upon which we were employed about a month or two, and in which we finally ordered a reduction of 20 cents a ton in the rates of coal. The road refused to put the order in force. We went into the circuit-court to enforce the order, and it is still pending there.

In the mean time the attorney that we relied upon, who was also the complainant and a competent man, Messrs. Cox Bros. & Co., employed. They were able to prosecute the suit themselves, and we insisted that they should. As a result of that trial these people became satisfied and refused to prosecute further. In that was involved the question of the right of the Commission to reduce rates at all. The constitutionality of the law was involved in the case. The party on whose application we moved the trial became satisfied, apparently, and fearing that the case might go by default, except as to what the district attorney might do, we felt that we ought not to stand by and be knocked down without a defense, and that we ought to have competent counsel to test the question of whether the Commission has power at all to reduce rates.

Mr. HENDERSON. Would not that become the duty of the Attorney-General or the Solicitor-General?

Mr. MORRISON. It might be.

Mr. MUTCHLER. You say that occurred as the result of the Reading deal with reference to Cox Bros. & Co.?

Mr. MORRISON. Yes, sir. Their attorney is Mr. Wolverton, who was prosecuting the case, and we are advised that Mr. Cox has no longer any such interest as will justify him in paying Mr. Wolverton any considerable fee to look after that interest, and that therefore the matter will be left to the district attorney. I took that as an illustration of one of the cases. Now, Mr. Cox has himself, I think, built a road to connect with the Reading.

Mr. MUTCHLER. He has built connections.

Mr. MORRISON. Yes, sir. He is no longer an aggrieved party. We have decided that there shall be a reduction of 20 cents a ton on coal.

Mr. MUTCHLER. Twenty cents a ton on the Lehigh Valley from a certain point?

Mr. MORRISON. Yes, sir.

Mr. MUTCHLER. Mr. Cox's road has made connection with the Reading, and is carrying his coal over the Reading, and, therefore, has ceased to prosecute further.

Mr. MORRISON. So far as I am advised, Mr. Cox has not the interest he formerly had in prosecuting, and he is not disposed to do so. Ordinary parties can not prosecute, as they are not able to do it. Mr. Cox employed Mr. Wolverton, a very competent man. We secured the services of a Mr. Stern, because Stern represented another coal operator who had interests in common with Mr. Cox.

Mr. MUTCHLER. Do I understand you now to say that it is the desire of the Interstate Commerce Commission to employ counsel in place of Mr. Wolverton to assist the district attorney?

Mr. MORRISON. We want to employ Mr. Wolverton, or some other attorney who would look after the cases, provided Mr. Cox's attorney did not do it any longer.

In the cases in Georgia and in all the Southern country, the principal cities get better rates than any of the intermediate points. When they arrive at the crossing of roads they drop the rates, and the small places have to pay higher rates. All the small places claim that the same abuse goes on as existed before the law was enacted and what it was the object of the law to correct. We found after investigation that these abuses existed in some places and we have ordered that they be discontinued.

Mr. HENDERSON. This question touches the vitality of this whole interstate-commerce law.

Mr. MORRISON. Yes, sir; another question that came out of that was that the railroads began making contracts to carry freight from Liverpool to Chicago, or any other intermediate point, and claimed that it is not our business to make rates from seaport to other points. We did not suppose that Brother Dingley and others who participated in the framing of this tariff law put 25 or 50 cents

on a keg of nails as an import duty in order that the railroads should get rid of the carrying rate from Philadelphia or any other intermediate point, or that they should carry it at 25 cents less than they carried the domestic article; and therefore we held that railroads must carry freight at the same rate from the same points, no matter where the article was produced. The railroads say that that is none of our business, what the rates are from Liverpool to the intermediate points, and that it is none of our business whether it goes to the steamship or to the railroad. We have held that it is. The railroads have the best counsel in the country, and in saying this I do not speak disparagingly of the district attorneys. The attorneys in this case should be able to go to the foundation of the law; and we have not sufficient money to employ competent people under the direction of the Attorney-General to properly represent us in the circuit courts and in the Supreme Court of the United States in settling what this law is, or, in other words, what the courts say it is. If the law amounts to anything, it is essential to have it properly presented.

Mr. HENDERSON. Even conceding that the Attorney-General or the Solicitor-General may appear in the Supreme Court of the United States, you deem it important that in the nisi prius court the case should be put in the best shape to carry it out.

Mr. MORRISON. Of course. Take the Pennsylvania case. The courts held that the trial is a new one. They held that it is a new one *prima facie*, and that the testimony must be taken over again. It must go to a referee or before some officer in Pennsylvania and have witnesses summoned and try it anew. The Attorney-General, and probably the district attorney, is not going out to do that work.

Mr. LIVINGSTON. We do not allow any appeal from our railroad commission in the State of Georgia.

STATEMENT OF O. L. SPAULDING, ASSISTANT SECRETARY OF THE TREASURY.

Mr. SAYERS. We have an item here, on page 16 of the bill, to reimburse the Northern American Commercial Company for supplies for the inhabitants of the islands of St. George and St. Paul, Alaska, during the winter of 1891-'92, being an amount necessary to enable them to maintain the natives on those islands and keep them from suffering, on account of the limited catch of seals, \$5,650. Can you give us any information on that item?

Mr. HENDERSON. There seems to be an executive document in regard to that.

Mr. SAYERS. Do you know anything outside of what is contained in the executive document?

Secretary SPAULDING. No, sir; this is a proper deficiency, however. The same company furnished 80 tons or more of coal.

Mr. SAYERS. You have no information to give us outside of that embraced in that communication. If you have not we will pass on to another item.

Secretary SPAULDING. I think I have not. This covers the coal. It is stated here at \$4,450 for maintaining native inhabitants. There is another item which brings it up to \$5,450. It embraces both the \$1,200 and the \$4,450. The Commercial Company is obliged by its contract to furnish 80 tons of coal for the inhabitants of the islands of St. George and St. Paul, and that used to be enough when they had a large catch of seals and an abundance of blubber; but now with the limited catch, the 80 tons of coal does not furnish sufficient fuel, and it requires 80 tons more. It required that much last year. At the request of the agent the Commercial Company landed 80 tons more of coal to carry the natives through. The price was \$15 a ton, which is quite fair at that point. In addition to that, on account of the limited catch of seals, they pay a certain sum of money to support those natives and carry them through the winter. That was necessary also on account of the decreased catch of seals.

Mr. SAYERS. There is no doubt about these articles having been furnished?

Secretary SPAULDING. No, sir; they were certified to by our agent. I have no doubt of their correctness.

Mr. SAYERS. And the necessity grows out of the limited catch of seals?

Secretary SPAULDING. Yes, sir; we only caught a few thousand the past season.

Mr. HENDERSON. What is the basis of this obligation to the people of the islands of St. George and St. Paul?

Secretary SPAULDING. We are obliged to support them, and see that they are enabled to live. Formerly, when we took 100,000 seals or 60,000, they received a

certain sum per head of the catch, and that was paid to them in money, and when that was cut off they had no money on which to live.

Mr. DINGLEY. The catch has been reduced to 7,500?

Secretary SPAULDING. Yes, sir.

Mr. DINGLEY. That was not sufficient?

Secretary SPAULDING. No, sir; we must either take care of them or they will tarve.

Mr. DINGLEY. They are natives now?

Secretary SPAULDING. They are now our people.

Mr. SAYERS. These islands came to us by purchase?

Secretary SPAULDING. Yes, sir.

Mr. SAYERS. And these natives had been moved from the mainland for the purpose of catching seals?

Secretary SPAULDING. I believe they were there when we got the islands from Russia.

Mr. DINGLEY. They were there, but had been moved on to the islands by Russia.

Secretary SPAULDING. I think so.

Mr. DINGLEY. That is what I understand, and I believe Russia supported them in the same way.

Secretary SPAULDING. Yes, sir; they got plenty of seals in those times. Russia did not support them as well as we are taking care of them, however.

The CHAIRMAN. They formerly lived on the seals.

Secretary SPAULDING. Yes, sir; if the committee will pardon me a moment, there is a letter to which I wish to refer. This letter was dated a few days ago, asking an appropriation of \$1,050 to pay attorneys at Montreal. I will give you the circumstances in a few moments. About a year ago, or some months ago at any rate, our officers broke up the smuggling of clothing by the railroad trains and sleeping-cars coming into New England from Canada. They arrested some people and had them tried, and some of them were convicted. The business was broken up temporarily at least, and the people in Montreal were very much vexed and became quite angry, and had several of our officers, among them Mr. Smith and Mr. Twohe, arrested and put at once in jail. The American consul came to their assistance and employed attorneys to get them out on bail. They had a hearing before a magistrate which ran some three or four weeks, and finally Smith was discharged, but Twohe was admitted to bail. These attorneys were employed, and they have submitted a bill for about \$1,000, which I think is reasonable, and I hope that the committee in deciding that matter will bear this explanation in mind.

At this point the committee took a recess until 2 o'clock.

AFTER THE RECESS

The committee reconvened at 2 o'clock p. m.

STATEMENT OF EUGENE B. DASKAM, CHIEF OF THE DIVISION OF PUBLIC MONEYS, TREASURY DEPARTMENT.

Mr. SAYERS. On page 17 there is an item for the relief of the Treasurer of the United States.

Mr. DASKAM. That is based on the letter from the First Comptroller, who decided he could not give the Treasurer credit for that item, although the Secretary of the Treasury accepted the item. It relieved the bondsmen, but did not relieve the Treasurer of the United States.

Mr. SAYERS. Do you mean to say that the Treasurer of the United States made a compromise with Camp?

Mr. DASKAM. The Secretary made a compromise with Camp and his securities. They were responsible for the safe-keeping of the public moneys, and this money was lost.

Mr. DINGLEY. The Secretary is authorized to do that by law?

Mr. DASKAM. Yes, sir.

Mr. SAYERS. I want to know something about the circumstances connected with that loss.

Mr. DASKAM. That is a matter about which I could not tell you.

Mr. SAYERS. When did this defalcation occur?

Mr. DASKAM. Several years ago. I do not recollect. The Treasurer's letter will give that. Suit was entered in court in March, 1887.

Mr. SAYERS. If you have no objection we will file this with the clerk, and we would like to have you furnish a copy.

Mr. DASKAM. Very well. Under section 3469 of Revised Statutes the Secretary has made a compromise with Norman H. Camp and his securities. They found that Camp was a clerk in the War Department at a thousand dollars a year; and after that they stopped his pay. He then concluded that he would not work for nothing and board himself, and so he quit.

Mr. SAYERS. What is the condition of the sureties?

Mr. DASKAM. For some reason or other the Government can not recover.

Mr. SAYERS. Will you get a copy of the letter from the Solicitor-General to the Secretary and send it to the clerk?

Mr. DASKAM. I will.

Mr. SAYERS. I have a letter here from the Secretary of the Treasury which was written yesterday. I wish to submit it:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 6, 1892.

SIR: I have the honor to call your attention to the fact that the appropriation for "transportation of silver coin" is to-day practically exhausted, and that the regular bills for the month of May and this month have not yet been received, nor have all the April bills yet been paid.

The sum of \$20,000 was asked for as a deficiency, but only \$5,000 was appropriated in the urgent deficiency bill, and this amount has already been exhausted.

I therefore recommend that the sum of \$15,000 be appropriated for "transportation of silver coin," to be included in the general deficiency bill now before your committee.

Respectfully yours,

CHARLES FOSTER,
Secretary.

Hon. WM. S. HOLMAN,
*Chairman Committee on Appropriations,
House of Representatives.*

(After reading letter.)

Have you anything to say on this subject?

Mr. DASKAM. I wrote this letter yesterday morning. The appropriation is exhausted, and we have two months yet to pay. The bills are two months behind.

Mr. SAYERS. How much is to the credit of the fund?

Mr. DASKAM. About \$4,000. Bills are coming forward amounting to that.

Mr. SAYERS. With the \$4,000 that you now have, and the \$15,000 additional asked for, you will have sufficient?

Mr. DASKAM. It will carry us through.

STATEMENT OF EDWARD S. LACEY, COMPTROLLER OF THE CURRENCY.

Mr. SAYERS. There is an item for the salary of a superintendent in your office \$200 for the fiscal year ending June 20, 1892. The sum of \$2,000 was appropriated for 1892, leaving \$200 deficiency. Please explain the necessity for this.

Mr. LACEY. After I came into office I found a reorganization necessary on account of the changed character of the work. We needed counters to a greater extent on account of the change of the volume of money. The Appropriation Committee reformed the salary list, dropping out three clerks of \$900 each. A change in the salary of other clerks was made so as not to increase the appropriation by the reorganization. In that reorganization I dropped out one chief of division and added the \$200 to the salary of the superintendent, putting him in place of the other chief of division, and it was so passed by Congress, but at the second session of Congress it was inadvertently left out and the salary was left at \$2,000. It was the intention to do it, but it was accidentally left out.

Mr. SAYERS. What was the appropriation for this officer in the first session of the Fifty-first Congress?

Mr. LACEY. It was \$2,200.

Mr. SAYERS. How much was it at the second session?

Mr. LACEY. It was \$2,000.

Mr. SAYERS. Do you know what the appropriation for this session was?

Mr. LACEY. \$2,000.

Mr. HENDERSON. It is pretty safe to estimate that it will be left at \$2,000. I called attention to that.

Mr. SAYERS. You think this officer ought to have this compensation?

Mr. LACEY. Yes, sir; I think so.

Mr. HENDERSON. Who is he?

Mr. LACEY. It is Mr. Robertson. The Government is reimbursed for this by assessments upon banks.

Mr. SAYERS. It is allowed out of what the banks pay.

Mr. LACEY. The banks pay it. They are increasing every year by about two hundred, and the responsibility and work is increasing, and, therefore, I do not see why we should be compelled to undertake this additional responsibility and work without a compensation which the law allows.

Mr. SAYERS. It would not affect the Treasury of the United States.

Mr. LACEY. Not at all.

Mr. DINGLEY. It has been made only \$2,000 in the legislative bill which was passed yesterday.

Mr. LACEY. This is simply to correct an error.

STATEMENT OF A. L. DRUMMOND, CHIEF OF THE SECRET SERVICE, TREASURY DEPARTMENT.

Mr. SAYERS. For suppressing counterfeiting and for the necessary investigations of banks, under section 5209 of the Revised Statutes, there is an item here of \$7,500. Please explain this and the necessity for it.

Mr. DRUMMOND. That is an amount of money that was paid by the committee of fifty for making an investigation of the Keystone and Spring Garden National Banks of Philadelphia. The committee of fifty, after the money appropriated by Congress had been exhausted, sent this letter to the Secretary of the Treasury.

The letter was read, as follows:

THE COMMITTEE OF FIFTY FOR A NEW PHILADELPHIA,
Philadelphia, September 11, 1891.

DEAR SIR: At a meeting of the "Citizens' Committee of Fifty for a New Philadelphia," held this afternoon, the following resolutions were unanimously adopted:

Resolved, That the Hon. Charles Foster, Secretary of the United States Treasury, be requested to do all in his power towards providing means for the continuation of the investigation of the affairs of the Keystone National Bank by the experts appointed by the Government. It is of vital importance alike to the credit of the national banking system and to the cause of justice that this investigation shall be pursued to the end directly under the auspices of the United States Government.

Resolved, That if it be true, as stated, that the experts employed by the Government have been dismissed for the reason that there are no funds now available for the payment of their expenses, that this committee will advance any reasonable amount required to meet such expenses until such time as an appropriation can be made by Congress for their reimbursement, and that this offer be immediately tendered by letter to the Secretary of the Treasury.

On behalf of the "Citizens' Committee of Fifty for a New Philadelphia,"

FRANCIS B. REEVES,
Chairman.

Attest:

ROBERT R. CORSON,
Secretary.

Hon. CHARLES FOSTER,
Secretary of the Treasury, Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D: C., September 15, 1891.

SIR: This will introduce to your honorable committee Mr. A. L. Drummond, chief of the Secret Service Division of this Department, who will confer with you relative to the reappointment of experts Messrs. Brown and Faunce and to their per diem pay during the continuance of their investigation of the affairs of the Keystone National Bank.

There are several questions that will come up, for instance: Is it the intention of your committee to have this fund held and disbursed by this Department and the experts paid by the same disbursing officer as before? etc.

Very respectfully,

O. L. SPAULDING,
Acting Secretary.

Mr. FRANCIS B. REEVES,
Chairman, etc., 119 South Fourth street, Philadelphia, Pa.

Mr. SAYERS. This item is intended to reimburse those citizens for paying a similar amount of money?

Mr. DRUMMOND. Yes, sir; they have paid \$7,500, less \$3.

Mr. SAYERS. For what purpose?

Mr. DRUMMOND. For experts for an examination made of the accounts of those two banks.

Mr. HENDERSON. This was expended under your direction?

Mr. DRUMMOND. Yes, sir.

Mr. HENDERSON. Was it advanced with the understanding that it was to be paid by the Government?

Mr. DRUMMOND. The terms were that the Secretary would accept the proposition and ask Congress to reimburse them. I have the Secretary's letter here in answer to that; if you care to have it read, I will read it.

Mr. SAYERS. Let us hear the letter.

(The letter was read, as follows:)

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 15, 1892.

SIR: Referring to your letter bearing date of September 11, 1891, addressed to the Secretary of the Treasury and in substance stating: That at a meeting of the "citizens committee of fifty for a new Philadelphia," it had been resolved that the Secretary of the Treasury be requested to do all in his power towards providing means for the continuation of the investigation of the affairs of the Keystone National Bank by the experts appointed by the Government, etc., and that it was further resolved that your committee would advance any reasonable amount of funds required to meet such expenses until such time as an appropriation can be made by Congress for their reimbursement, and that this offer be tendered by letter to the Secretary of the Treasury, etc., I have the honor to state that yesterday I wired you as follows:

"Section 3679 of the Revised Statutes of the United States provides that 'no department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year or involve the Government in any contract for the future payment of money in excess of such appropriations.'"

The act of March 3, 1891, provides an appropriation of \$5,000 "for the necessary investigation of violations of section 5209 of the Revised Statutes of the United States, and for no other purpose whatever."

Of the amount so appropriated for the fiscal year ending June 30, 1892, more than \$4,600 has already been expended, and largely in connection with the investigation of the affairs of the Keystone National Bank, leaving less than \$400 to cover similar investigations throughout the entire country during the remaining nine months of the present fiscal year.

This is the only appropriation available for such purpose.

The above states fully the condition of the appropriation and the law; but, as it is the desire of this Department that the investigation into the affairs of the bank be thorough and exhaustive, and that all of the facts be brought to light, you are informed that if, as proposed, your committee shall advance the money necessary to continue the investigation, it shall proceed under the direction of

this Department, and the Secretary of the Treasury will ask Congress to make an appropriation to reimburse the advances. The foregoing is herewith confirmed.

Very respectfully,

O. L. SPAULDING,
Acting Secretary.

Mr. FRANCIS B. REEVES,
Chairman, etc., 119 South Fourth street, Philadelphia, Pa.

(After reading.) These are the originals. Here is a telegram which I will read:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 14, 1891.

FRANCIS B. REEVES,
Chairman, etc., 119 South Fourth street, Philadelphia, Pa.:

Section 3679 of the Revised Statutes of the United States provides that "no department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations."

The act of March 3, 1891, provides an appropriation of \$5,000 "for the necessary investigation of violations of section 5209 of the Revised Statutes of the United States, and for no other purpose whatever." Of the amount so appropriated for the fiscal year ending June 30, 1892, more than \$4,600 has already been expended, and largely in connection with the investigation of the affairs of the Keystone National Bank, leaving less than \$400 to cover similar investigations throughout the entire country during the remaining nine months of the present fiscal year. This is the only appropriation available for such purpose.

The above states fully the condition of the appropriation and the law; but, as it is the desire of this Department that the investigation into the affairs of the bank be thorough and exhaustive, and that all of the facts be brought to light, you are informed that if, as proposed, your committee shall advance the money necessary to continue the investigation, it shall proceed under the direction of this Department, and the Secretary of the Treasury will ask Congress to make an appropriation to reimburse the advances.

Respectfully yours,

O. L. SPAULDING,
Acting Secretary.

Mr. HENDERSON. Was the money paid over to you?

Mr. DRUMMOND. The bills were sent to me, approved by the experts, and the money was paid by the treasurer of the committee. I have the duplicate receipts of the accounts showing the payment of \$5,997.

Mr. HENDERSON. How many of these experts were there?

Mr. DRUMMOND. Four. They have been out of money now since the 27th of the month. They then had a balance of \$3 left, but were still at the work.

Mr. HENDERSON. Do you expect a further disbursement?

Mr. DRUMMOND. The committee refuses to advance any more money until they see what Congress is going to do about it.

Mr. HENDERSON. Is this work completed?

Mr. DRUMMOND. No, sir.

Mr. HENDERSON. Have you any estimate as to what it will cost to complete the work?

Mr. DRUMMOND. I do not know that we shall ask the committee of fifty for any more money. The appropriation available on the 1st of July will enable us to get along, and while it took more than \$5,000 last year, it may not take as much next year for all of the banks in the country. This was an extraordinary case. I do not want to ask the committee of fifty to do anything more. We have regular experts detailed now. A great many accounts have not been gone through and indictments are contemplated.

Mr. SAYERS. How long will it take to complete this work?

Mr. DRUMMOND. About thirty days with the force we now have.

Mr. SAYERS (to Mr. LACEY). Have you any information concerning this matter?

Mr. LACEY. The failure of the Keystone Bank was, of course, due to frauds and defalcations and false statements the worst in the history of our banking system. These frauds had escaped the attention of the examiners, but when

the receiver came in he found a state of things that needed investigation. The Treasury Department expended all the funds at its command to make that investigation and exhausted its funds. It seemed that inasmuch as Congress had ordered an investigation of the affairs of the bank that this investigation should be proceeded with without delay, in order that we might be in possession of all the facts when Congress took the matter up; so it was arranged that this committee should appoint two experts for each of those banks, and that they should be detailed from the Treasury to act in this investigation with a committee of Philadelphia and that the investigation should be prosecuted with vigor in order that all the facts might be ready to lay before this committee or Congress. That course was pursued. I did not have charge of the details of these accounts. I know these men appointed to make the investigation were competent men and that they worked faithfully and succeeded in making an investigation of the affairs of the Keystone Bank that has been most thorough and complete. I do not think there ever was such a complete investigation of any bank. The chief expert in the case is Mr. A. R. Barrett, who was, on Saturday, before the Committee on Banking and Currency and gave such a statement of the facts that had been developed that I think Mr. Bacon, the chairman of that committee, would sustain me in saying that the information Mr. Barrett submitted was most complete and valuable and was quite necessary to an understanding of the situation.

Mr. SAYERS. You think this appropriation is necessary?

Mr. LACEY. I think it was the only way in which it could be accomplished. It was thought that some of the persons who examined the condition of that bank should not be representatives of the Treasury, and, therefore, others were employed who were cognizant of the facts, in order that nothing could be concealed.

Mr. O'NEIL. Who was that investigation authorized by?

Mr. LACEY. The Secretary of the Treasury.

Mr. O'NEIL. Why should not that be done by the officers under you rather than by outside parties?

Mr. LACEY. There is no fund to pay bank examiners for that work. They are paid by funds assessed against the bank. Examiners do not receive anything from the Government. Their fees consist of fees assessed upon the bank to pay the examiner in accordance with the law. Those fees range from \$20 up, as is fixed for each particular bank.

Mr. O'NEIL. These experts were appointed by the Department, and were at the time officers of the Government.

Mr. LACEY. They were selected by the committee of fifty and were paid by the committee of fifty. The committee had the benefit of their investigation.

Mr. HENDERSON. Were any of these members of the committee of fifty creditors of the bank?

Mr. LACEY. No, sir; they were appointed by some meeting there.

Mr. HENDERSON. They had no direct interest in the work.

Mr. LACEY. Not at all. It was purely a private matter. It was entitled a "Committee of fifty for a new Philadelphia." It grew out of a state of things attendant upon the John Bardsley defalcation; and it was a movement for purifying the municipal affairs of Philadelphia.

STATEMENT OF BRIG. GEN. R. N. BATCHELDER, QUARTERMASTER-GENERAL.

Mr. SAYERS. On page 32 there is an item for transportation of the Army.

Gen. BATCHELDER. This is a deficiency for the year 1890 for transportation of the Army. They are audited claims.

Mr. SAYERS. Why were they not reported to the last Congress?

Gen. BATCHELDER. I suppose they did not come to the Treasury in time.

Mr. SAYERS. What is the next item?

Gen. BATCHELDER. \$90 for a rifle range at Fort Sheridan. The work cost \$90 more than the appropriation.

Mr. SAYERS. What is the next item?

Gen. BATCHELDER. The next item is for West Point and Fort Reno.

Mr. SAYERS. Is that for the construction and repair of hospitals?

Gen. BATCHELDER. Yes, sir; it is an increase of \$500. The appropriation is \$1,500, and it is exhausted.

Mr. SAYERS. Will you need the \$500 this month?

Gen. BATCHELDER. Yes, sir.

Mr. SAYERS. This next is an audited account?

Gen. BATCHELDER. It is a deficiency of \$34.43 for the construction of hospitals.

Mr. SAYERS. The next is for Army and Navy Hospital.

Gen. BATCHELDER. That is to improve the grounds and roads around the Army and Navy Hospital at Hot Springs, Ark.

Mr. SAYERS. What was the appropriation for that purpose this year?

Gen. BATCHELDER. There was no special appropriation. This was paid out of the regular appropriation for the Army. This estimate has been brought in by the Surgeon-General.

Mr. DINGLEY. Is it something to be done this year?

Gen. BATCHELDER. It is mostly for the improvement of the grounds.

Mr. DINGLEY. Has any contract been entered into for it?

Gen. BATCHELDER. No, sir.

Mr. DINGLEY. Then it is not a deficiency.

STATEMENT OF GEN. A. W. GREELY, CHIEF SIGNAL OFFICER, U. S. A.

Mr. SAYERS. You have an item for the installment and operation of military telegraph to connect Fort Ringgold, Tex., with Laredo, Tex., \$18,977; please explain it to the committee.

Gen. GREELY. That matter is here in connection with this trouble on the border. There is a line which now runs from Brownsville, which I built in 1876, and that line was cut repeatedly during the trouble at Ringgold, and there was no communication possible because those lines were cut; and the Secretary of War and major-general commanding believe there is an imperative necessity for the line to be made to Laredo, so that if we have a recurrence of these troubles we will have this line. The regular bill was passed, and this was put in as a deficiency.

Mr. SAYERS. Has any work been done?

Gen. GREELY. Nothing has been done.

Mr. SAYERS. No contracts made?

Gen. GREELY. None whatever.

Mr. DINGLEY. Then it is no deficiency.

Gen. GREELY. It is work that ought to be done this fiscal year. The regular appropriation was put in before this Garza trouble. It is a line that is very much needed, and it will cost the Government nobody knows how much if it is not done.

STATEMENT OF O. H. ERNST, SUPERINTENDENT OF PUBLIC BUILDINGS AND GROUNDS.

Mr. SAYERS. On page 30 there is an item for green-house and nurseries, \$600.

Col. ERNST. Our green-house was blown down in December, and it was absolutely necessary to have a place in which to preserve our palms. The appropriation was only \$2,000, and this cost \$600 extra, and I put that in, thinking it was utterly impossible to get that done. We have been able to go on, and, with great care, we have managed to get through the winter without any embarrassment.

Mr. SAYERS. For repair to the Executive Mansion.

Col. ERNST. \$1,000. That was damage caused by the storm. It blew off a stone balustrade. In its fall it crushed the portico below. It remains in an unsightly condition.

Mr. SAYERS. You could not repair that this month?

Col. ERNST. Not if this money is to be spent before the 1st of July. Our estimates for the next year are all in.

STATEMENT OF J. T. PETTY, AUDITOR OF THE DISTRICT OF COLUMBIA.

Mr. SAYERS. For one Engineer Commissioner, to make the salary \$5,000, \$959.81.

Mr. PETTY. That is in accordance with the law. The Commissioners receive a salary of \$5,000 a year, and one is an engineer officer assigned to duty there, and we have to have the difference between the army pay and the \$5,000.

Mr. SAYERS. What was this appropriation last year?

Mr. PETTY. Last year we had a lieutenant-colonel, and you appropriated \$425. In October he was relieved, and it takes the difference between his pay and

\$5,000, which is \$1,752. Next year you will have to make up \$1,768. We are asking you now for \$959.81.

Mr. HENDERSON. What is the pay of a lieutenant-colonel?

Mr. PETTY. I think \$4,575.

Mr. HENDERSON. What is the pay of a captain?

Mr. PETTY. \$4,233. He takes the balance that was left from Col. Roberts's salary. \$425 was appropriated for Col. Roberts.

Mr. SAYERS. The next item is for forage.

Mr. PETTY. That is for the fire department.

Mr. SAYERS. How comes that deficiency?

Mr. PETTY. Here is a little tabular statement: We had an appropriation of \$5,500, and that would have taken us through the year but for the fact that the price of forage went up nearly 100 per cent. We made an agreement with Galt & Co. to furnish it. He furnished the forage with the understanding that if Congress did not make an appropriation he would get nothing. We spent \$3,060 for that up to the 1st day of June. \$4,000 will be needed for the entire year.

Mr. SAYERS. Payment of judgment. These are all judgments.

Mr. PETTY. These judgments have no appeals.

Mr. SAYERS. You have examined the items in this bill?

Mr. PETTY. Yes, sir.

Mr. SAYERS. At the bottom of page 23 there is a deficiency in the sale of bonds?

Mr. PETTY. Under our organic act, in contracts for work like asphalt paving we retain 10 per cent of the contract price. That money we invest in bonds for a period of five years. That money is a guarantee that during the five years the contractor will keep this pavement in good condition, and at the end of the five years it must be in good condition. He invests that, and at the end of the period we sell the bonds in the market. For instance, a man has retained out of his contract \$5,000, and the bonds realize \$6,000, we pay him \$5,000 and divide the profit for the sale of the bonds, he having received interest on his money. We have already realized about \$30,000 from this business. At the end of the first contract period we had used \$5,000. At first we were compelled to invest the money at our own risk, but now it is invested at the risk of the owner and we do not have any risk.

Mr. SAYERS. Is it not possible for the Government to lose anything?

Mr. PETTY. No, sir. We have made \$25,000. Last year you made an appropriation of \$5,000. It comes out of that \$30,000 that was made. We did not invest at the risk of the contractor then.

Mr. SAYERS. What do you mean by saying to supply deficiency in sale of bonds? How could there be a deficiency if you sold them at a profit?

Mr. PETTY. The deficiency is only in a few instances. In a large number of the cases there was a profit. In some contracts we did not realize the amount invested. We get that out of this \$30,000. We have only had \$5,000 out of that fund.

Mr. SAYERS. There has been a profit of \$25,000?

Mr. PETTY. Yes, sir. In reference to these judgments the United States Supreme Court decided that they could not tax drummers in this city \$200. These drummers have come up and got judgments for the \$200 which they paid as licenses. In another one of these cases a party sued for \$5,000, but got judgment for only \$100. It was a case where a house was washed away and a woman washed away with it.

Mr. SAYERS. Has the time for appeal elapsed in any of the judgments?

Mr. PETTY. I could not tell. I could get the information for you, however. There has been no appeal in any of these.

Mr. SAYERS. On page 24, general advertising, Evening Star newspaper, \$2,159. The Washington Daily Post, \$2,159. Please explain that.

Mr. PETTY. Those are advertisements in the daily papers of the regular tax sale. Under the old law we issued pamphlets, and used to simply publish a notice. We would publish the delinquent tax list in pamphlet form, and put a notice in the newspapers. Two years ago Congress changed that law, and required us not only to put a notice in the paper, but to publish the name of the person, the number of the lot, and the amount for which the taxpayer was liable.

Mr. SAYERS. The next is for the militia.

Mr. PETTY. That is what Gen. Ordway wants.

Mr. SAYERS. Washington Asylum: Furniture for female workhouse, \$1,275.

Mr. PETTY. That is for furnishing the Washington Asylum, female workhouse. We can not do anything until we get that \$1,275.

Mr. SAYERS. The next is to pay B. K. Bruce, recorder of deeds.

Mr. PETTY. That is \$5. The law provides that all tax sales shall be recorded in the recorder's office, and the appropriation was exhausted. This comes back to the Government. We make an assessment of 10 cents on each sale, so we really make a little on that.

Mr. SAYERS. General advertising.

Mr. PETTY. That is a bill for advertising proposals in the Star and Post. I have the bills here. That advertising is provided by law.

Mr. SAYERS. Coroner's office, to pay James Oliver.

Mr. PETTY. That is an appropriation for the care of the morgue. Oliver gets \$25 a month. He has to buy ice and he gets the balance. We lack \$2.87 of paying him for the month of June.

The next item is for sewer pipe, but we did not have quite enough money to pay it. The bill was \$107.20 and lacked a small balance of paying it.

Mr. SAYERS. Public schools.

Mr. PETTY. This is for the printing of the minutes of the board of public schools. It is a bill of the Linotype Company for printing the minutes of the board.

Mr. HENDERSON. Why pay that any more than any other contingent expense?

Mr. PETTY. We did not have enough at the end of the year to pay that bill by \$147 and some cents.

Mr. SAYERS. Have any of these bills been here before?

Mr. PETTY. Never; not one of them. This is the first time.

Mr. SAYERS. For the purchase of articles used in the manual training school.

Mr. PETTY. Those are bills contracted for materials for cooking school and manual training school. Those articles have been furnished and have been on file with me.

Mr. SAYERS. What do they do with the food they cook?

Mr. PETTY. Well, as has been said, it perishes in the using. After they get through with handling the biscuits they are of no use to anyone. It has been suggested that the biscuit ought to be sent to the hospital, but it was found that that could not be done.

Mr. SAYERS. They buy everything they cook with?

Mr. PETTY. Almost everything.

Mr. SAYERS. How much has been the appropriation for this cooking purpose?

Mr. PETTY. \$10,000 for the whole, and \$2,000 of that is used in the cooking school.

Mr. SAYERS. Then \$2,000 is absolutely thrown away?

Mr. PETTY. It is not intended to do anything more than teach them how to cook.

Mr. SAYERS. Police court.

Mr. PETTY. They rarely have a deficiency; that is mostly for witness fees. There are certificates on file to the amount of \$631.21.

Mr. SAYERS. Has any of this been here before?

Mr. PETTY. No, sir.

Mr. SAYERS. You say certificates are on file awaiting payment.

Mr. PETTY. Yes, sir. This means that they are either on file or listed. They are listed when we know the party; that is an actual indebtedness.

Mr. HENDERSON. How is it as to the account of William Wyman, in the Washington Asylum?

Mr. PETTY. He was employed as a cook at the Washington Asylum and commenced on the 1st of July, served through July and into August. From the 6th of August we paid him, because the bill was operative. The appropriation bill did not pass until the 6th of August, so that we could not pay him from the 1st of July to the 6th of August. This makes up that difference.

Mr. SAYERS. For contingent expenses, Washington Asylum.

Mr. PETTY. They are for groceries and miscellaneous items. They have been carefully gone over. We have a careful officer there, and he is very much afraid of a deficiency.

Mr. SAYERS. Public bathing beach.

Mr. PETTY. That is a \$1.01 deficiency.

Mr. SAYERS. Public school; salaries of superintendents.

Mr. PETTY. There is a deficiency of \$144 for an amount to be paid helpers in the different public schools. We formerly paid a dishwasher in these cooking schools. It amounted to some \$470. The Comptroller finally held that inasmuch as there was a regular janitor for each of those buildings he ought to have been called upon to do this work. We did not think so, and the superintendent hired

a woman as a dishwasher at an expense of nearly \$500. The Comptroller disallowed this item, and at the last session there was something over \$300 allowed under that head—\$359 or \$360.

Mr. HENDERSON. Are those dishwashers still employed?

Mr. PETTY. We now have them in the bill in a way that we can pay them.

Mr. HENDERSON. It is now in the current law.

Mr. PETTY. Yes, sir; you have already appropriated all except \$144.

Mr. SAYERS. Miscellaneous expenses; general advertising. Is that for this year?

Mr. PETTY. That is for 1890.

Mr. SAYERS. Why have not these deficiencies for 1889 been provided for before this?

Mr. PETTY. I want to explain that.

Mr. HENDERSON. Have they been before this committee and been rejected?

Mr. PETTY. No, sir; they have never been here before.

Mr. HENDERSON. Then how did these deficiencies get in?

Mr. PETTY. Because the appropriation was not sufficient. The present year, I think, it has been claimed that we spent too much for hearings. It was said in the argument on the bill that we went farther than we ought to have gone. We give notice to the taxpayers when a certain bill is up before the Commissioners for people to come and give the reasons why such and such a bill should or should not become a law. It may be a bill for opening a street or a road, or something of that kind. Then we put the body of the bills in advertisements sometimes, and they take up a good deal of space.

Mr. SAYERS. Here is a deficiency for 1887.

Mr. PETTY. It is \$15.87. That is a bill for forage. This bill got lost somewhere in the property clerk's office and we never found it. Application was made for it year after year. I looked through it, and I found that the forage was furnished and never had been paid for.

Mr. SAYERS. The next item is the collector's office.

Mr. PETTY. It is a little balance on some furniture that he bought, a desk and table. It amounted to \$70 or \$80. He only paid \$69 on it, which left a balance of \$11.10.

Mr. SAYERS. J. Y. Turner, subscription to the Washington Post.

Mr. PETTY. Turner is the carrier of the paper, and it was the subscription of the Engineer Commissioner. It has never been paid.

Mr. HENDERSON. Public schools. The case of the Smallwood school is not new.

Mr. PETTY. Yes, sir. Here is the certificate of the trustee, which indicates that services were rendered.

Mr. HENDERSON. When were these services rendered?

Mr. PETTY. "To George Cooper, janitor Smallwood school, June 7 to June 30, 1889, \$24, at \$500 a year."

Mr. HENDERSON. Why is it this has been so long in coming in?

Mr. PETTY. It has never been presented before. It is not because he did not ask for it. He asked me to put it in last year. The bill has been presented, however, for the first time. I told him I could not do anything for it unless Congress would make an appropriation.

Mr. HENDERSON. How is it we have so many little bills for advertising?

Mr. PETTY. It is on account of the shortage in appropriations.

Mr. HENDERSON. These papers seem to be dilatory in presenting the bills.

Mr. PETTY. Sometimes they are. The Star is not very careful in that respect. Sometimes they won't send for an audited bill for months unless we send it to them.

Mr. SAYERS. Here is \$15.75 for a forage bill.

Mr. PETTY. I know it was furnished. It is Mr. Galt's bill for forage, and he has been asking me for it for a year or two, but we had no bill. This time they brought the bill in. It gives the items and dates. I went to the property clerk's office, and I found the bill was clearly right. I satisfied myself that he was entitled to it.

Mr. SAYERS. The next item is water department.

Mr. PETTY. We have been in the habit of employing people to work, paying them out of the general appropriation for pumping expenses and pipe distribution and other items. The Comptroller decided that we had no right to pay a clerk out of that fund. He would not allow us to employ a clerk, although we had been doing that for years, and a great many of the accounts had been passed.

You will find another item in here for \$686. All these amounts have been paid out for clerical service. We have been doing this for years and the bills have been passed; but the Comptroller's action called a halt. It caught us in the

middle of the year, and we had to dismiss the men and put them on the regular roll.

Mr. HENDERSON. This is a bill for \$27?

Mr. PETTY. Yes, sir. There is an item that has been here before. It has been up here twice.

Mr. HENDERSON. Which item?

Mr. PETTY. To pay J. W. Bell and Henry McIntire, making \$233.99.

Mr. SAYERS. Has that been rejected?

Mr. PETTY. No; you gave us \$150 last year, and in conference it was dropped.

Mr. HENDERSON. Were these assessors?

Mr. PETTY. No; they were per diem men; men employed in the water office making up rolls. They got so much a day. Our office hours are 9 to 4. These men were required to work after office hours and until 11 o'clock at night.

Mr. HENDERSON. They are regular employes.

Mr. PETTY. No, sir; they are paid out of the water fund. It is a just bill.

Mr. SAYERS. I see in Executive Document No. 253 you have estimates for the health department for the collection and removal of garbage prior to March, and to pay clerks, \$283.33.

Mr. PETTY. In the urgent deficiency bill this session you gave us \$16,000 for garbage. We asked for \$28,000 and you only gave us \$16,000. I think it originated in the Senate. \$8,000 was given to pay for that up to the time of the passage of the act, and the other was to run until the 30th of June. When we came to disburse it, we found it was not enough.

Mr. HENDERSON. What is it for?

Mr. PETTY. It is for the hire of teams and wagons for the removal of garbage. There was a provision made for only sixteen wagons, and it was found that the garbage could not be collected with less than twenty wagons, and we had to make a contract with the understanding that Congress would make the appropriation.

Mr. SAYERS. Please send us up the letter in reference to that estimate.

Mr. PETTY. I will do so. There is one other item I wish to speak about. We have in this year's bill an appropriation for the purchase of a lot for the Brightwood school. We received \$1,000, and a lady who owned one of the lots agreed to sell it for \$300. The owner of the other lot agreed to sell for \$600. We paid over the \$600, but when we came to pay this \$300 we found the lady was not the sole owner of the lot, and when that was settled the time had passed, and a jury of condemnation was assembled which gave her \$450 for the lot. The Commissioners told me to ask you to consent to my going to the Senate to get that \$150 put in.

Mr. SAYERS. You had better send that up to the subcommittee, and if we do not attend to it you can go to the Senate.

Mr. PETTY. If you do not allow it, that is the end of it, as I would not appeal from your action to the Senate.

At this point the committee adjourned, to meet to-morrow, Wednesday, June 8, 1892.

OFFICE OF THE AUDITOR DISTRICT OF COLUMBIA,
Washington, June 8, 1892.

SIR: In reply to your verbal request of yesterday for information in regard to the judgments against the District of Columbia, for which appropriations are under consideration in your committee, I have the honor to submit the following statement:

After judgment has been rendered in the lower court twenty days are allowed in which to file notice of appeal to the court in general term. A much greater period than this has elapsed in all the cases now before you. The dates of judgment are as follows:

Barber Asphalt Paving Company, two cases, October 7, 1890, and November 6, 1890.

William H. Stearns, May 9, 1891.

William B. Moses, October 31, 1891.

Leo Pollak, November 21, 1891.

Charles L. Holt, November 21, 1891.

Mary E. Arnold *et al.*, November 3, 1890.

James A. Connor, two cases, July 8 and November 2, 1891.

Philip Hutchinson, February 6, 1890.

William T. Garrison, January 13, 1892.

A. W. Clemens, January 30, 1892.

H. W. T. Jenner, January 11, 1892.

Michael I. Weller, July 1, 1890.

Harry S. Hutton, June 10, 1891.

George W. Mockabee, October 28, 1891.

The District has fully accepted the findings in these cases and agreed not to ask the intervention of the higher courts. Upon each of the "short copies" the assistant attorney for the District has indorsed "Judgment final—no appeal."

Very respectfully,

J. T. PETTY,
Auditor District of Columbia.

Hon. JOSEPH D. SAYERS,
Chairman Subcommittee on Appropriations, House of Representatives.

OFFICE OF THE COMMISSIONERS
OF THE DISTRICT OF COLUMBIA,
Washington, May 10, 1892.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a communication received by them from the health officer of said District, setting forth the need for an additional appropriation to conduct the garbage service until July 1 next. The Commissioners trust that the necessary amount may be included in the urgency deficiency bill.

Respectfully,

J. W. DOUGLASS,
President of the Board of Commissioners, District of Columbia.

Hon. JOSEPH D. SAYERS,
*Chairman Subcommittee on Appropriations,
House of Representatives.*

HEALTH DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, May 9, 1892.

GENTLEMEN: In reply to your verbal request of Saturday last concerning expenses incurred in the garbage service since December 3, 1891, and the amount needed to conduct the service until July 1, 1892, I have the honor to report as follows:

The appropriation of \$16,000 made by Congress for the conduct of the service from December 3, 1891, and for the payment of the expenses thereof to July 1, 1892, \$8,000 of which was to be applied to payments to the date the bill became a law, and the balance, \$8,000, to pay for the services from that time to June 30, 1892. The bill which became a law on March 19 allowed us \$8,000 to carry on the work of the collection of garbage and dead animals, removal to wharves, transportation beyond the limits of the District, and payment of inspectors. As to the expenditure of the first \$8,000, viz, from December 3, 1891, to March 18, 1892, inclusive, the books of the auditor will give in detail the purposes for which the money was applied.

Several advertisements prior to and during the period mentioned were inserted in the daily papers by the Commissioners of the District of Columbia, for the performance of this service in the whole or by day's work. In each instance where proposals were submitted for the contractor to assume responsibility of all the work, under the supervision of the health officer, the bids were in excess of the balance of the appropriation and the service was continued by the Commissioners by day's work. On January 4, 1892, an estimate was furnished by this Department giving the amount necessary to go on with the work properly until June 30, but for some reason Congress only allowed \$16,000, with restrictions as to its expenditure, which under the law I must follow. In response to an advertisement published in the newspapers by order of the Commissioners, after the contractors had verbally notified me that the compensation they were then receiving was insufficient and that they declined to continue the work longer, a daily service had to be again resorted to for the employment of teams at a certain price each for the collection of dead animals and garbage, and a monthly service for the transportation of the same beyond the limits of the District of Columbia. There being no other alternative this qualified bid was accepted by the Commissioners, of which I was duly notified.

By reference to the inclosed copy of letter dated May 4, 1892, the data of which was obtained from rough drafts of statements of the accounts of the con-

tractors, now in the hands of the auditor, it will be seen that there is \$62 per week day remaining for the hire of teams to July 1, leaving me with only twelve teams per day to remove the accumulations of garbage that require at least double that number.

Especial attention is called to the statement therein that provision should be made for at least ten more teams than the amount of appropriation allows to be employed in this very important work assigned to the Health Department for supervision.

Since the reduction of the number of teams employed, complaints are daily pouring in upon us, and as the warm weather approaches it is evident, if relief is not afforded by an increase in the number of teams and equipments, serious nuisances will result. I would therefore recommend that an additional number of ten teams be put into the service from now until July 1, at which time the five-year contract will go into effect. The expense for the employment of ten additional teams at \$4.35 per day each (the contract price), excluding Sundays, would be, if they were put at work to-morrow, \$1,957.50.

The work is now being attempted to be done with twelve teams six days in the week and two teams on Sundays, which is entirely inadequate and can not do more than half the work. It is my most earnest recommendation that application be made to Congress for an additional appropriation of at least \$1,957.50, which will cover the expense of the ten teams referred to.

Since the foregoing was written to-day, up to this hour, 2 o'clock p. m., there has been received thirty-two personal and written complaints relative to non-removal of garbage, besides some eight or ten telephonic complaints, which, in my mind, shows conclusively that the number of teams employed in its collection is not sufficient.

Very respectfully,

C. M. HAMMETT, M. D.,
Health Officer.

THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

WEDNESDAY, June 8, 1892.

STATEMENT OF A. F. CHILDS, CHIEF CLERK OF THE CENSUS BUREAU.

Mr. SAYERS. Are you prepared to state how much money you will need for the salaries and necessary expenses for conducting the work of compiling the Eleventh Census until the 4th of March next?

Mr. CHILDS. Six hundred and fifty thousand dollars.

Mr. SAYERS. Do you mean \$650,000 for all purposes?

Mr. CHILDS. Yes, sir; to carry on the work as we are carrying it on now.

Mr. SAYERS. Without the addition of any more people?

Mr. CHILDS. Only in this way: As these minor divisions are closed up, which they will be within the next six months (some will continue three months longer) those people will be transferred to the Manufacturing Division and the Agricultural Division.

Mr. SAYERS. We have assurances from Mr. Porter that they will be dropped out. He said when he was before us some time ago that he would be able to do away with a great many clerks in certain divisions.

Mr. CHILDS. The bulk of our clerical force now is in the three large divisions—Population, Manufactures, and Agriculture. The other small divisions are not employing very many people. I had understood that it was Mr. Porter's intention to drop a few of the inefficient people, or those who are not competent to carry on this higher class of work, the tabulation work, and transfer the better clerks to that.

Mr. SAYERS. Mr. Porter gave us his assurance that he would drop a great many people out of the service.

Mr. CHILDS. I think there was a great number; and I am starting in to make up a list, and it will drop perhaps fifty people who are incompetent, but they will be mostly taken from the minor divisions.

Mr. HENDERSON (to Mr. Sayers). Why do you ask him about this? Why are you inquiring here as to this deficiency for an appropriation that will not be called for until the next fiscal year?

Mr. SAYERS. We are following the policy adopted by the Fifty-first Congress, when it appropriated several million dollars just before the expiration of the year in the urgent deficiency bill. We will, however, discuss that in executive session.

Mr. CHILDS. Before coming to the committee this morning I asked the disbursing clerk for a statement of the expenditures for the past month, and the balance on hand for the Eleventh Census, and also that for farms, homes, and mortgages. Our expenses on the Eleventh Census last month were \$80,000, and on farms, homes, and mortgages \$10,000, making \$90,000. For eight months, beginning with July, we want \$720,000. We have estimated that we will have on hand at the end of the fiscal year \$30,000, and, including farms, homes, and mortgages \$100,000. Deducting that from the \$720,000 leaves \$620,000, or a balance on hand on the first day of March next of \$30,000. This, I understand, will provide for us until the 4th of March. This appropriation of \$650,000 would carry us through until the 4th day of March.

Mr. SAYERS. Then you do not contemplate reducing the force?

Mr. CHILDS. Only so far as inefficient people are concerned. You see, our work is getting down to this mathematical form of tabulation, and a great many people are not competent to do that class of work. Those we shall drop. I do not suppose it will amount to more than fifty people.

Mr. SAYERS. Will you put others in their places?

Mr. CHILDS. Only the competent people from the other divisions.

Mr. O'NEILL. Making a reduction of about fifty people?

Mr. CHILDS. I should suppose there would be that many.

Mr. SAYERS. What would that leave your balance?

Mr. CHILDS. That would leave us at least 1,050 people?

Mr. SAYERS. How many have you now?

Mr. CHILDS. About 1,123. Of course, if we only dropped 50 people, we would not reduce the force to 1,050.

Mr. SAYERS. That embraces the force in the Census proper, and also the force on farms, homes, and mortgages?

Mr. CHILDS. Yes, sir; and the printing force. That includes the entire force in this city.

Mr. HENDERSON. That does not include the outside agents?

Mr. CHILDS. It just includes the office force.

Mr. SAYERS. How many agents have you on the outside?

Mr. CHILDS. I could not answer that question this morning. Not expecting to appear before the committee, I did not have time to prepare for it.

Mr. SAYERS. I wish you would prepare a statement showing the total number of employés in the different divisions of the Census proper, the number in farms, homes, and mortgages, and also the number of parties who are employed on the outside.

Mr. CHILDS. Very well. I will do so.

Mr. SAYERS. You say you will need \$650,000 for this entire work, including farms, homes, and mortgages, up to the 1st of March, 1893?

Mr. CHILDS. Yes, sir.

Mr. SAYERS. In your judgment, how much will be necessary in order to complete the work?

Mr. CHILDS. I would suggest that you refer to Mr. Porter's letter, as he gives the particulars in that. It is a matter with which I am not familiar. It is a matter that he had entirely in charge. I only received this invitation yesterday morning.

Mr. SAYERS. How much have you on hand for printing?

Mr. CHILDS. I do not know.

Mr. SAYERS. How much will be necessary for you to have over and above the amount now on hand for printing between now and the 1st of March, 1893?

Mr. CHILDS. Not anything for printing.

Mr. SAYERS. I mean for the printing of such final reports as have been authorized.

Mr. CHILDS. I made an estimate last week for Senator Manderson, chairman of the Joint Committee on Printing, in which I said it would require an appropriation of \$450,000 to print the final reports.

Mr. SAYERS. Really, you have no other information other than what is contained in these letters of Mr. Porter's?

Mr. CHILDS. No, sir; because Mr. Porter said he would attend to the matter himself. Of course, I have a great many other duties.

Mr. SAYERS. Please furnish a statement as to the number of officials of all kinds, in Washington and elsewhere, employed in the Bureau, and also the amount of money that you have expended at this date, as well as the amount that will be required to be appropriated for the publication of such final volumes as are authorized by law.

Mr. O'NEIL. In addition to that statement give the number of employés and where they are employed.

Mr. CHILDS. Mr. Sayers stated those in Washington and elsewhere.

Mr. O'NEIL. You might lump them. State how many in Washington and how many in the field.

Mr. CHILDS. It is the intention of Mr. Porter to add quite an additional force to what might be called the local force in cities for the collection of the statistics in reference to farms, homes, and mortgages. Those people will be mostly the county clerks. It will be hard to state the amount that will be required for that.

Mr. SAYERS. If there are no objections I will have the letters of Mr. Porter incorporated in this testimony.

The letters are as follows:

Mr. DINGLEY. In addition to what you have been asked to furnish, will you also furnish the estimated appropriations up to the 1st of July, and the amount of money, if any, of the various appropriations which you will have on hand at that time, and which is already appropriated?

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., March 22, 1892.

MY DEAR SIR: In compliance with your verbal request this morning, I beg leave to submit the following statement, which I believe covers the essential points touched on in our conversation.

The progress already made by the Eleventh Census and the fact that the work in many divisions is nearly completed, makes it very desirable to close up the work in as many departments as possible this year. The cessation of work at the present time in any line of inquiry merely delays work, embarrasses the office, and increases the expenses. To lay clerks off or furlough them results as a rule in the loss of the best equipped, who easily secure work elsewhere, and in the

filling up of the ranks with the less competent and experienced. In short, all changes of force just now are disadvantageous to the office.

This will be better understood by the statement of a few facts. For example, there are to day eleven divisions of the Census Office, which have so nearly completed their work that the expenditure of \$75,000, (and this is a liberal estimate), will finish the work and abolish the divisions. I refer to the divisions relating to geography, statistics of churches, education, pauperism and crime, wealth, death and taxation, fish and fisheries, transportation, insurance, Alaska, Indians, and social statistics of cities. The time required to finish this work, if it can be continued at full speed, will vary in most instances to from three to six months, and perhaps a little longer, for geography, which includes map-making and education. If to the above we should add vital statistics and statistics of special classes, we find that the work of no less than thirteen divisions can be completed for a sum not exceeding \$140,000, and practically ready for the final volumes this year. I know you appreciate my anxiety to see this work, now so nearly done, out of the way. As these inquiries are completed, the special agents and experts will, of course, return to their usual occupations, and the clerks and other employes will be dropped from the roll, thereby greatly reducing the current expenses of the office. These divisions do not in the aggregate at the present time employ all told more than one hundred persons, so that to postpone this work and put the clerks thus made available into the division of manufactures would not be economy, because the experts and a skeleton organization should be kept up in each of the small divisions until the work is done and the proofs are all read.

Aside from these thirteen divisions we have only three other important divisions, namely, those relating to population, agriculture, and manufactures. In round figures, these divisions now employ 280, 175, and 140 persons, respectively, which with the 100 persons engaged in the thirteen divisions referred to above and the administrative force make about 740 clerks, the number reported as on the Eleventh Census pay rolls to-day. After deducting for outstanding liabilities and meeting the March expenses we shall have a balance on hand April 1, 1892, of \$135,000, which will be barely enough to run the office until July 1, without adding the additional force necessary to push along the statistics of manufactures and agriculture. To do this you will see that I must do one of three things. First, absolutely stop the work of thirteen divisions. Second, practically, bring the population work to a standstill and transfer the largest part of that force to manufactures and agriculture. Third, increase the force immediately by putting back about 50 furloughed clerks who have had experience in the manufacturing division, and reinstating say about 100 additional of our best clerks.

The first plan would hardly yield 75 good clerks, because the experts of one division can not be used as clerks in another, and some of the 100 persons referred to are messengers and laborers. Then it must be borne in mind that none of these clerks have had experience in the work of the manufacturing division.

The second plan would delay the volume of Compendium relating to population, now partly printed, and likewise the population volume, for both of which there is a great public demand. The clerks engaged in this division, it is true, are many of them very expert and dexterous with the tabulating machines, but they would all need to be instructed in the work of the manufacturing division, which requires persons experienced in bookkeeping. Either of these two plans would result in loss of money and delay in work that should not be delayed a moment.

The third plan I am satisfied is the right plan and the economical plan. Including the furloughed clerks, there are now awaiting reappointment about 150 competent clerks whose qualifications for the manufacturing division have been tested. These, with about 25 for the agricultural division, should at once be put to work. To do this, and meet other expenses, it is necessary that \$100,000 more of the \$1,000,000 asked for should be made available for this fiscal year. With the balance on hand of \$135,000, April 1, a total expenditure of \$75,000 per month will aggregate \$225,000, and as you will see leaves me only a narrow margin. The expenditure for the month of April will reach \$60,000 without increasing the force. I feel that the demands of the work justify this increase, and I am satisfied that thousands of dollars can be saved the Government by closing up the work of the Census Office with as little delay as possible.

You will recall that when called before your honorable committee in January, I estimated the needs of the office for the fiscal year at \$400,000, including the special investigation relating to farms, homes, and mortgages. Of this amount

I have received \$200,000 for expenditures of Eleventh Census and \$50,000 for farms, homes, and mortgages. The sum appropriated for the farms, homes, and mortgages division will be sufficient for the fiscal year, but as I have shown above the amount required to continue the work of the Eleventh Census is inadequate. Should the additional \$100,000 be appropriated it will be applied, as above indicated, to increasing the force of the manufacturing division.

I have endeavored to give both the committee and yourself a clear idea of the exact situation. The Census Office is being economically managed. The salaries, including all classes of employes, average about \$62 per month, or about \$400 per annum less than the salaries paid in other Departments of the Government. The work required of clerks is far more exacting, and I sincerely wish you would call at the office and see the character of the work now in process of completion. There was a period in our work when a clerk who could write rapidly and legibly was qualified for the work of addressing circulars and envelopes for a correspondence probably aggregating from three to four millions of people. Now only the better class of clerks can be used and of such the office largely consists. These clerks, in my opinion, are underpaid. I am ready, as you know, at any and all times to come before the committee and answer any questions relating to or criticisms of the work.

I inclose statement of amount of rent paid and total cost of running the Eleventh Census, as per request.

With renewed assurances of my appreciation of the interest you have always taken in the census work, and of the courtesy and patience you have always extended the Superintendent of Census, I have the honor to be,

Faithfully yours,

ROBERT P. PORTER,
Superintendent of Census.

Hon. JOSEPH D. SAYERS,
House of Representatives.

Total cost of running the Eleventh Census with force at present employed.

	Cost per month.
718 clerks, messengers, laborers, etc	\$44,365.00
25 special agents, per annum cost per month	4,167.08
Rents per month	1,575.00
Rent of machines	4,166.66
Stationery, miscellaneous, and contingent expenses, exclusive of traveling expenses of special agents	1,176.47
Total	55,450.21

The above statement does not include the expenses of special agents in the field. This work has almost entirely stopped, but will be slightly increased when active work is begun in the manufacturing division. It is impossible to estimate accurately on this class of work, which in a measure depends on the quality of the returns. If the field work has been well done it will not be very great; if otherwise, it may be necessary to send special agents to various points to correct the schedules and secure proper returns. It should not exceed \$10,000, all told.

The average per capita salary of the present force of the Census Office, including the Superintendent, but exclusive of special agents, is as follows:

Annual	\$471.48
Monthly	61.78

To the above must be added \$9,130.85 per month for the division of farms, homes, and mortgages, and \$10,575.85 for the division of printing, binding, and engraving, making a total of \$19,706.70 paid out of separate appropriations. It is estimated that no further appropriations will be required for the printing, binding, and engraving division. The amount now to the credit of the farms, homes, and mortgages division (\$90,000) will be sufficient to meet all requirements of the present fiscal year, including the necessary field work, which will materially increase the monthly expenses of this division during April, May, and June.

*Cost of running the farms, homes, and mortgages division on basis of force employed
March, 1892.*

	Cost per month.
129 clerks	\$8, 225. 00
3 special agents	547. 50
Rent	150. 00
Stationery	208. 35
Total per month	9, 130. 85

The above includes 3 clerks class 3, 1 clerk class 2, 1 clerk class 1, 13 clerks at \$1,000 per annum, 39 copyists, 8 computers, 54 skilled laborers, 4 watchmen, 2 laborers, and 4 charwomen.

The money required for the division is largely dependent on the field work. This was fully explained to the committee and subcommittee in January. I should prefer to make a special report on this subject in May or June, at which time it will be possible to estimate more accurately the amount of field work remaining undone. The returns received by mail and through county officers have been more satisfactory than I had at one time thought they would be. With the increase of field agents a further increase of office force will be necessary.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, March 23, 1892.

MY DEAR SIR: I have received your letter of this day, informing me that the committee would recommend the further appropriation of \$100,000 to be used during the fiscal year for the Eleventh Census, provided that said sum was expended in accordance with the statement contained in my letter to you dated yesterday.

I beg leave to assure you that the said money shall be expended as therein stated by me. I will hold myself obligated to see that the said appropriation shall be expended in the manner set forth in my communication, namely, to push to rapid completion the statistics of manufactures.

Very respectfully,

ROBERT P. PORTER,
Superintendent of Census.

Hon. JOSEPH D. SAYERS,
*Chairman Subcommittee on Deficiencies, Appropriations Committee,
House of Representatives.*

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, April 25, 1892.

MY DEAR SIR: In compliance with your request to furnish the Appropriations Committee with an estimate of the cost of continuing the census work until March 4, 1893, I have the honor to submit the following:

In a previous letter, dated April 5, I have given you a detailed estimate of the probable cost of completing the work. I have no more recent data upon which to base an estimate as to the probable cost of running the office until March 4, 1893. In that letter I informed you that in view of my being able to make certain consolidations of divisions, which would bring about reduction of expenses, and in view of the fact that I did not feel warranted in pursuing some of the inquiries without additional authority from Congress, I was of the opinion that the work of the several divisions of the Census, including the cost of administration and contingent expenses of the office, could be completed for the sum of \$1,250,000. These items may be summarized as follows:

To complete the work of the 13 divisions	\$150, 000
Superintendent's office	100, 000
Population	350, 000
Manufactures	400, 000
Agriculture	150, 000
Contingent expenses	100, 000
Total	1, 250, 000

Deducting from this amount the \$300,000 already provided for by Congress, it will require to complete the Eleventh Census \$950,000; that is, the work can be completed for this sum after the amounts referred to have been expended. The revised estimate for carrying on the census work up to March 4, 1893, would therefore be \$633,334.

I do not think it would be possible to get along with less than the above, as the total expenses, including salaries of all kinds for clerks and special agents, rent, incidentals, etc., for the month of April will be \$70,000. This includes only part of the pay for the additional clerks put to work in the manufacturing division, and it is probable the May expenses will be at least \$75,000. Multiply this by eight months, you will see that the amount aggregates \$600,000; so that by either calculation I will not have a salvage of more than \$30,000, which, with a work of the magnitude of the Census Office, is not large.

I inclose you with this a copy of my previous letter, dated April 5, and also a printed copy of the report of the examination and review of the Census Office, rendered to the Secretary of the Interior March 5, 1892.

In regard to farms, homes, and mortgages investigation, a careful estimate leads me to believe that this work can be carried on until the 4th of March, 1893, for \$175,000. The office expenses of this division for March was \$8,902.13, and as I have already authorized from \$20,000 to \$25,000 to be immediately expended for field work to complete the statistics relating to the ownership of farms and homes and mortgages thereon, it is impossible, by the greatest economy and the utilization to a large extent of county clerks instead of special agents, to carry on this work for less than \$20,000 a month for the eight months. You will see, therefore, that I have a margin here of about \$15,000.

The Census Office has on hand to-day a balance to the credit of the appropriation "expenses Eleventh Census" \$135,916.04, and "farms, homes, and mortgages," \$89,525.12. Of the appropriation for preliminary printing, binding, and engraving there is a balance on hand to-day of \$———, but, as I said in my former communication, I shall not require any additional appropriation for this purpose.

If you will be kind enough to inform me by the bearer if there are any other data which you wish, I will be glad to forward them to you at once.

Very respectfully,

ROBERT P. PORTER,
Superintendent of Census.

Hon. JOSEPH D. SAYERS,
House of Representatives.

[Inclosure.]

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, April 5, 1892.

MY DEAR SIR: I have the honor to acknowledge the receipt of your letter of April 1, in which you ask for a statement showing what sum of money will be required to fully complete the work of the census, including the inquiry as to farms, homes, and mortgages, after expending the sums already appropriated during the present Congress, and the \$100,000 which will be provided for in the urgency deficiency bill reported to the House on April 1. I also note your request that I give the amount that will be required for office rent, fuel, lights, and for contingent expenses for each division and subdivision of the census.

To make the question as clear as possible to the committee, I would submit the following statement, showing the divisions of the Census Office as originally organized:

- | | |
|----------------------------------|----------------------------------|
| 1. Appointments. | 14. Mines and mining. |
| 2. Disbursements. | 15. Fish and fisheries. |
| 3. Geography. | 16. Transportation. |
| 4. Population. | 17. Insurance. |
| 5. Vital statistics. | 18. Printing. |
| 6. Churches. | 19. Special classes. |
| 7. Education. | 20. Supervisors' correspondence. |
| 8. Pauperism and crime. | 21. Alaska. |
| 9. Wealth, debt, and taxation. | 22. Indians. |
| 10. National and State finance. | 23. Social statistics of cities. |
| 11. Farms, homes, and mortgages. | 24. Abolished. |
| 12. Agriculture. | 25. Revision and results. |
| 13. Manufactures. | |

In consequence of the completion of the work of some divisions and of the progress made towards completion in other instances, I reorganized the Census Office April 1, as follows :

Superintendent's office.

- Division 1. Population.
- Division 2. Manufactures.
- Division 3. Agriculture.
- Division 4. Farms, homes, and mortgages.
- Division 5. Vital statistics.
- Division 6. Social statistics.
- Division 7. Wealth, debt, and taxation.
- Division 9. Revision and results.

You will see from the above that the number of divisions has been reduced from twenty-five to nine. The consolidations have been made for the purpose of reducing the expenses for timekeepers, messengers, etc. In the letter addressed to you by me, dated March 22, I had the honor to inform you that the work of eleven divisions of the Census Office could at that date be completed for the sum of \$75,000. These divisions were those relating to geography, statistics of churches, education, pauperism and crime, wealth, debt, and taxation, fish and fisheries, transportation, insurance, Alaska, Indians, and social statistics of cities. The time required to finish this work, if it can be continued at full speed, will vary in most instances from three to six months, and perhaps a little longer for geography, which includes map making, and for education, which includes the report on illiteracy, and must await the population tabulations. If to the above should be added vital statistics and statistics of special classes, the estimates given of \$140,000 will hold good. Allowing at the outside \$150,000 to close up the work of these thirteen divisions (some of which, as you will see above, have already been consolidated) we have then to deal with the three remaining important divisions of the Eleventh Census : 1, population ; 2, manufactures ; 3, agriculture.

The estimates of the special agents in charge of these divisions, made in March, were to complete the work of the population division, \$392,000 ; of the division of manufactures, \$500,000 ; of the division of agriculture, \$150,000. (See report of the examination and review of the Census Office transmitted to Congress by the Secretary of the Interior, April 4, 1892.) The same estimates make the cost of the Superintendent's Office, including the chief clerk's office, appointments, disbursements, and geography, \$107,185.

In view, however, of the consolidation above referred to of some divisions which will bring about a reduction of expenses, and in view of the fact that I do not feel warranted to pursue some of the inquiries included in these estimates without additional authority from Congress, I am of the opinion that the work of these divisions, including the cost of administration and of contingent expenses of the office can be completed for the sum of \$1,250,000. These items may be summarized as follows:

To complete the work of the thirteen divisions.....	\$150,000
Superintendent's office	100,000
Population	350,000
Manufactures	400,000
Agriculture	150,000
Contingent expenses	100,000
Total	1,250,000

Deducting from this amount the \$200,000 already appropriated and the \$100,000 already recommended, it will require to complete the Eleventh Census \$950,000. That is, the work can be completed for this sum after the amounts referred to have been expended.

In regard to farms, homes, and mortgages, the estimate was originally \$628,425. (See report of the examination and review of the Census Office above referred to.) This was an outside estimate and made before the office had completed a thorough examination of the returns already received, and it is safe to reduce this estimate to \$500,000, which, after deducting \$50,000 already appropriated, leaves \$450,000. I still hope, by making use of the services of county clerks and recorders instead of special agents sent into the field to yet further reduce this estimate, and only ask the committee for \$350,000 to complete this work, or \$220,000 for the fiscal year ending June 30, 1893.

In the matter of printing, there is a balance of the appropriation on hand for preliminary printing, engraving, and binding of \$143,983.39, which will be sufficient to finish this branch of the work, exclusive of the publication of the final report.

Very respectfully,

ROBERT P. PORTER,
Superintendent of Census.

Hon. J. D. SAYERS,
*Chairman Subcommittee on Deficiencies, etc.,
House of Representatives.*

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, June 9, 1892.

MY DEAR SIR: In reply to the several inquiries given me yesterday, I have the honor to state as follows:

The total number of employes in the Census Office to-day is 1,173; of that number 898 are borne on the roll of the Eleventh Census, 126 on farms, homes, and mortgages, and 149 on the printing, engraving, and binding roll. There are 82 special agents now in the field collecting statistics of manufactures included in the 898 employes on the Eleventh Census proper. In the division of farms, homes, and mortgages there are 17 special agents in the field, or, a total of 99 special agents in the field, leaving 1,074 employes in the city of Washington.

The balance on hand June 8, 1892, was—

For the Eleventh Census	\$120,277.36
For farms, homes, and mortgages	74,745.06
For printing, engraving, and binding	114,805.91

The estimated expenditures to June 30, 1892, are—

For the Eleventh Census	\$80,300.00
For farms, homes, and mortgages	14,500.00
For printing, engraving, and binding	15,000.00

The estimated balance on July 1, 1892, is—

For the Eleventh Census	\$40,000.00
For farms, homes, and mortgages	60,000.00
For printing, engraving, and binding	100,000.00

The disbursements for the Eleventh Census for the month of May last were \$79,964.44, and for farms, homes, and mortgages, \$9,673.56. On this basis, to carry on the work of the office for the eight months ending February 28, 1893, will require \$717,104. Deducting from this the estimated amount on hand June 30, 1892, leaves \$617,104. By referring to page 3 of the Superintendent's letter of April 25, 1892, you will see that he desires to push to an early completion the farm-mortgage investigation and wishes to expend the sum of \$20,000 a month for eight months. On this basis it will require an expenditure of \$160,000 from July 1, 1892, to March 1, 1893. Add this to the expenditures for the Eleventh Census for the same period made on the basis of the expenditures for the month of May and it makes a total of \$799,715.52, consequently it will require, as stated by the Superintendent, a reduction of the office force in order to bring the expenditures within the total amount asked for, namely, \$650,000.

I send you inclosed a draft of the bill sent to the chairman of the Joint Committee on Printing, which provides for the publications of the Eleventh Census, and also a table showing the estimated cost of printing and binding the Congressional edition, together with extra copies called for in the bill, and the total cost of both. You will notice that the last sentence of the last paragraph of the bill provides for continuing and renewing and making available the balance of the amount appropriated in the act to supply deficiencies in the appropriations for the fiscal year ending June 30, 1892, amounting to about \$200,000, and in addition thereto the sum of \$250,000 is asked for, making a total of \$450,000 to be used during the fiscal year ending June 30, 1893, for printing the final reports.

I also send you a copy of a letter which accompanied the bill and estimates, which explains the increase in the estimated cost of printing the final reports of the Eleventh Census over the amount expended for printing the final reports of the Tenth Census.

Very respectfully,

A. F. CHILDS,

Acting Superintendent of Census.

Hon. J. D. SAYERS,

*Chairman Appropriations Committee,
House of Representatives.*

A BILL TO PROVIDE FOR THE PUBLICATIONS OF THE ELEVENTH CENSUS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reports of the Eleventh Census of the United States be printed and bound at the Government Printing Office, to consist of the following: A digest of the leading statistics, not to exceed two hundred octavo pages; a compendium; a report on population; a report on surviving veterans of the war; a report on manufactures; a report on agriculture; a report on wealth, debt, and taxation; a report on farms, homes, and mortgages; a report on mineral resources; a report on transportation; a report on insurance; a report on vital statistics; a report on statistics of special classes; a report on fish and fisheries; a report on educational and church statistics; a report on pauperism and crime; a report on social statistics; a report on Alaska; a report on Indians, and a statistical atlas, together with such special reports and monographs as may be found necessary.

That any or all of the above-named reports may, for convenience of publication, be divided into parts, and each part published separately, in the discretion of the Superintendent of the Census, with the approval of the Secretary of the Interior.

That in addition to the usual number, there shall be printed and bound in cloth fifty thousand copies each of the digest and the compendium, fifteen thousand for the use of the Senate, thirty thousand for the use of the House of Representatives, two thousand five hundred for the use of the Department of the Interior, and two thousand five hundred for the use of the Census Office; thirty thousand copies each of the report on population and the report on agriculture, nine thousand for the use of the Senate, eighteen thousand for the use of the House of Representatives, two thousand for the use of the Department of the Interior, and one thousand for the use of the Census Office; ten thousand copies each of all other reports above mentioned and of the statistical atlas, excepting special reports and monographs, three thousand for the use of the Senate, six thousand for the use of the House of Representatives, six hundred and sixty-six for the use of the Department of the Interior, and three hundred and thirty-four for the use of the Census Office; and three thousand each of special reports and monographs, six hundred for the use of the Senate, one thousand two hundred for the use of the House of Representatives, six hundred for the use of the Department of the Interior, and six hundred for the use of the Census Office; said special reports and monographs to be issued in paper covers. And the additional copies herein authorized to be printed shall be distributed by the Secretary of the Interior in the same manner and under the same regulations and restrictions as provided in the act entitled "An act to provide for the publication of the Tenth Census," approved August seventh, eighteen hundred and eighty-two: *Provided*, That so much of the act of March third, eight hundred and ninety-one, as enumerates the volumes of the Eleventh Census and the number of copies of the same to be printed is hereby repealed. And the appropriation made in the act entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for prior years, and for other purposes," approved March third, eighteen hundred and ninety-one, is hereby continued and renewed and made available for the purpose of this act: and in addition the sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary to defray the cost of the above-named printing and binding, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, the same to be available until the completion of the printing and binding authorized by this act; said appropriations to be applied to the printing and binding of the additional copies of reports herein provided for.

The following table shows the estimated cost of printing and binding the Congressional edition, the extra copies called for in the bill, and the total cost of both:

Title of report.	Cost of 1,900 copies.	Extra copies.		Total.
		No.	Cost.	
Compendium	\$18,500	50,000	\$80,000	\$108,500
Digest	815	50,000	14,000	14,815
Population	38,000	30,000	104,000	140,000
Agriculture	32,700	30,000	105,000	137,700
Wealth, Debt, and Taxation	28,500	10,000	28,000	54,500
Farms, Homes, and Mortgages	35,000	10,000	35,000	70,000
Alaska	8,315	10,000	9,250	15,565
Vital Statistics	42,000	10,000	40,000	82,000
Social Statistics and Special Classes	20,500	10,000	20,500	41,000
Education and Churches	16,400	10,000	14,500	30,900
Indians	15,800	10,000	19,000	34,800
Pauperism and Crime	16,400	10,000	14,500	30,900
Transportation	27,900	10,000	30,000	57,900
Mineral Resources	17,000	10,000	20,000	37,000
Fish and Fisheries	17,000	10,000	20,000	37,000
Manufacturers	53,000	10,000	48,000	101,000
Insurance	16,400	10,000	14,500	30,900
Surviving Veterans of the War	172,500	10,000	180,000	352,500
Statistical Atlas	38,000	10,000	200,000	238,000
Grand total				1,614,980

STATEMENT OF T. J. MORGAN, COMMISSIONER OF INDIAN AFFAIRS.

Mr. SAYERS. Will you examine page 44 of the bill, and give us an explanation, briefly, of the necessity for that item? The first is Umatilla Reservation. Explain the necessity for that appropriation.

Mr. MORGAN. The Umatilla Reservation has been surveyed and allotted. This money is reimbursed out of their funds, and the amount has not been sufficient to finish up the work.

Mr. SAYERS. How much has been previously appropriated for that purpose?

Mr. MORGAN. I shall be unable to give you that. I did not have this before me previous to my coming here. Perhaps Dr. Godwin can tell you how much has been appropriated for the survey of the Umatilla Reservation.

Dr. GODWIN. That was put in last year.

Mr. DINGLEY. I see by an executive document that \$20,000 had been appropriated for that purpose.

Mr. SAYERS. According to this document, you have already received \$20,000, and you say that you need \$12,000 more.

Mr. DINGLEY. Is this for work done or to be done in the future?

Mr. MORGAN. It is in process of being done now. The Umatilla Reservation lies very near a village, and the people of that village in Oregon are anxious to have the reservation closed and the land opened up.

Mr. HENDERSON. I see in your letter, Ex. Doc. No. 82, that you estimate there will be required \$12,000. There is also in that the draft of a bill, if one should be requested. Will you be reimbursed out of the sale of the Umatilla lands? Was not that put in the Indian bill?

Mr. MORGAN. The Senate put that in. That is in the bill as it is now pending.

Mr. HENDERSON. For \$12,000?

Mr. MORGAN. Yes, sir.

Mr. HENDERSON. Then that is appropriated for.

Mr. SAYERS. We do not know whether that will be agreed to. (To the witness.) You need that amount to complete this work?

Mr. MORGAN. Yes, sir; there is no question about it.

Mr. SAYERS. The next item is, cost incurred by Indians in contesting suits relating to public lands. What have you to say in regard to that item?

Mr. MORGAN. That is in Ex. Doc. 83. The general facts about that are that there are a great many Indians who are entitled to take up homesteads on the public lands, and the Indians have, in many cases, to carry on contests and pay costs; and it has been thought that it was due to them to protect them in their

rights, so far as it could be done. This money is to be expended under the direction of the Secretary of the Interior, to enable them to prosecute their claims, and it is believed to be an act of justice.

Mr. SAYERS. Has there been any previous appropriation for that purpose?

Mr. MORGAN. I am not able to answer, but I think not.

Mr. HENDERSON. Is this to enable the Secretary to pay the legal costs?

Mr. MORGAN. Yes, sir; wherever there is a contest; that is, where a white man and Indian are claiming the same piece of land, the Indian is obliged to go into a contest, and if he has no money, he should have some assistance.

Mr. HENDERSON. Do you know what contests have been had already?

Mr. MORGAN. There are a great many details which I do not pretend to carry in my mind.

Mr. HENDERSON. Is this appropriation for obligations incurred now, or obligations to be incurred in 1893?

Mr. MORGAN. It is obligations for the future.

Mr. DINGLEY. I see that there is a recommendation of the Secretary that it be inserted in the appropriation bill for 1893.

Mr. MORGAN. Yes, sir. The next item is for the removal of the Flat Head Indians. It is a small appropriation of \$184, and the details are set forth in Ex. Doc. 145.

Mr. SAYERS. Proceed to the next item, Indian school, Carson City, Nev.

Mr. MORGAN. The only statement I can add is that I am personally acquainted with this school, having been there, and having advised the course that has been taken. Work has been performed by those teachers with the understanding that if Congress did not make the appropriation they would not get their pay. It was said that the thing to do was to keep a school running, and that Congress would undoubtedly make the appropriation. This money has been well earned by the teachers.

Mr. HENDERSON. That work has been done?

Mr. MORGAN. Yes, sir. The school has been in operation, and has been reaching a class of Indians that have heretofore been vagabonds.

Mr. SAYERS. The next item is for telegraphing and the purchase of Indian supplies.

Mr. MORGAN. The reason for the increase there is briefly this: The amount of advertising has increased from year to year, owing to two special causes: one is, we are building a much larger number of schools than ever before; and, second, we are buying for the Indians more stock cattle, and we have to inspect these school buildings and these cattle. We are obliged to employ army officers and pay their traveling expenses. That amount is absolutely necessary, if it be done at all. In the present Indian bill the Senate has increased the amount to \$50,000. That will help us to get through next year. We ought to have this additional for this fiscal year.

Mr. SAYERS. Have you any money on hand for this purpose now?

Mr. MORGAN. We have been put to difficult shifts to get along at all and to make the purchases that we have been making in New York.

Mr. DINGLEY. Have there been any expenses incurred that you want to meet?

Mr. MORGAN. We made this on condition that the appropriation would be made by Congress.

Mr. SAYERS. The next is Pine Ridge and Rose Bud Reservations?

Mr. MORGAN. That is a small matter of \$149 to pay the expenses of Mr. Pierce, chairman of a commission, on a visit to Washington, under orders of the Secretary of the Interior. That has been submitted by the Secretary, and does not come from my office.

The next is for surveying lands for Oklahoma. Those lands were thrown open to public settlement and have been settled, are now occupied by whites; and, in order to complete the work, the surveyor incurred a small obligation for which the office is not responsible. He asks that he be reimbursed for the expenses actually incurred.

Mr. SAYERS. Is he a surveyor or a contractor?

Mr. MORGAN. He allotted the lands. My letter sets forth fully the details of it. He went on and did the work, and assumed the expenses, taking his chances of getting his money from Congress.

Mr. SAYERS. The Indian Office is the next. Out of the appropriation of \$2,500 in the Indian Bureau contained in the act of March 31, there may be not exceeding \$64 paid for services rendered by four persons.

Mr. MORGAN. The last appropriation bill authorized the Commissioner of Indian Affairs to employ clerks under an understanding with Judge Peel that

we would be authorized to employ those persons without undergoing the civil-service examination.

Mr. SAYERS. Mr. Perkins was chairman of the Committee on Indian Affairs during the last Congress. Did you consult him about it?

Mr. MORGAN. I do not know that I talked with Mr. Perkins at that time, personally; but the understanding was that I was to employ these people. They were employed, and it was ruled that they should come under the civil service.

Mr. SAYERS. On whose recommendation were they employed?

Mr. MORGAN. Two were appointed upon the recommendation of Judge Peel, a member of the House; and the other two were persons whom I never saw, but I can ascertain about them. They are two competent people.

STATEMENT OF GREEN B. RAUM, COMMISSIONER OF PENSIONS.

Mr. SAYERS. On page 47 there is an item for expenses of examining surgeons, and you ask for \$383,171.83. Please explain that item.

Mr. RAUM. This is the deficiency for the service of last year, if it is all included here. I sent up a small estimate a few days ago.

Mr. SAYERS. This is a deficiency for the present fiscal year, is it not?

Mr. RAUM. It is for the last fiscal year. That was expended in the enforcement of this new law mainly, the act of June 27, 1890.

Mr. SAYERS. Are these audited accounts?

Mr. RAUM. Yes, sir.

Mr. SAYERS. There is no question of the exact amount being due?

Mr. RAUM. Not at all.

Mr. SAYERS. Does this embrace all?

Mr. RAUM. It does, if you have received the last estimate. The first amount was not large; and as the others were adjusted I made an estimate for this—in fact, I made two additional estimates. The accounts have all been audited. It is for the last quarter of the last fiscal year. That work has been very greatly pushed; that is, the work of making medical examinations. The appropriation for the next fiscal year, you will find, will be really more than will be necessary. You cut it down \$250,000. I am now making orders, so that I will have that entire work of orders current. I will do that in the next three months, so that it will not be behind.

Mr. SAYERS. Is this the usual language to determine the compensation of members of the examining boards?

Mr. RAUM. Yes, sir.

Mr. O'NEIL. Is there any necessity for having that last provision here, so long as it provides for work already done?

Mr. RAUM. It is repeating what you have already in the law.

Mr. O'NEIL. I thought we cut that out.

Mr. RAUM. It is now \$1; it used to be a dollar and a half.

Mr. COURTS. If that is cut out, they will get \$2 for an examination.

Mr. HENDERSON. How much do they get now?

Mr. RAUM. Two dollars apiece for the first five, and a dollar apiece thereafter.

Mr. HENDERSON. Without this they would get \$2 apiece?

Mr. RAUM. I do not know that they would; still, I think as a matter of safety I would put it in. It is only three or four lines.

STATEMENT OF J. MILLS BROWN, SURGEON-GENERAL OF THE NAVY.

Mr. SAYERS. On page 38 there is an item for contingent expenses, Bureau Medicine and Surgery. What have you to say about that?

Dr. BROWN. This is for the medical bills purchased. All bills are paid at home. These matters come into the office of the Fourth Auditor in paying bills from foreign countries.

Mr. HENDERSON. And those you do not get for a good while afterwards?

Dr. BROWN. We do not get them for months afterwards. There are no bills in here for paying land-grant railroads, nor are there any for freight bills or passenger bills on those roads.

Mr. SAYERS. Does any portion of this item contain appropriations for land-grant railroads?

Dr. BROWN. No, sir.

Mr. HENDERSON. These are audited accounts?

Dr. BROWN. They are regular, audited accounts. It is simply for these bills from foreign countries. They came in too late. We had expended our appropriation before they came.

Mr. SAYERS. The next item is for repairs, Bureau of Medicine and Surgery, and to pay amount found due by accounting officers for freight.

Dr. BROWN. There is no freight. That is a misnomer. It was to build a sidewalk, at Chelsea, Mass. The city built the sidewalk, and bore half the expense. The Government is to bear the other half. They first proposed to build it in the fiscal year 1891, but it was postponed, and they then said they would build it in the fiscal year 1892, and we made our arrangements accordingly. They finally concluded to build it in 1891, and did so very rapidly, just as the fiscal year was closing, and we could not get it under that appropriation.

Mr. DINGLEY. This is under the ordinance of the city?

Dr. BROWN. Yes, sir.

Mr. SAYERS. And the Government is liable for half?

Dr. BROWN. Yes, sir; the Government pays half. It is on grounds between the city and the Government property, one-half has always been paid by the city and one-half remains. We thought it was to be postponed to 1892, and they did the work, and sent in their bill after we made arrangements and had paid out all our money.

STATEMENT OF PHILIP HICHBORN, NAVAL CONSTRUCTOR, IN CHARGE OF THE BUREAU OF CONSTRUCTION AND REPAIR, NAVY DEPARTMENT.

Mr. SAYERS. On page 39 there is an item to pay Harlan & Hollingsworth, Wilmington, Del., an obligation amounting to \$2,752. What have you to say in regard to that item?

Mr. HICHBORN. I know it to be a proper debt.

Mr. SAYERS. Please let us have an explanation of it.

Mr. HICHBORN. I think it is explained in this document here. It is a debt of several years ago.

Mr. HENDERSON. Has this ever been submitted to us before?

Mr. HICHBORN. You will understand that this deficiency is not put in by the Bureau of Construction and Repair but by the Navy Department. The debt, however, comes under the Bureau of Construction and Repair. The correspondence and everything has been done with the Navy Department through the Secretary.

Mr. HENDERSON. What were the circumstances; was this monitor laid up for repairs or was it for wharfage?

Mr. HICHBORN. The Department ordered the launching of these four vessels in 1882, and took possession of them. They were launched, and the Government afterwards decided to make a contract, by authority of Congress, to build this machinery, and instead of taking the vessels they allowed them to remain there, with the understanding that the Harlan and Hollingsworth Company were to take care of the vessels, have them pumped out, and protect them against fire or other damage for the sum of \$8 a day.

Mr. HENDERSON. Was there a regularly executed contract with that company?

Mr. HICHBORN. Yes; with the Secretary of the Navy. Roach & Sons were paid for doing this work, and Cramp & Sons are also paid for that work; but the Harlan & Hollingsworth Company did not get their pay.

Mr. HENDERSON. Why have they not been paid?

Mr. HICHBORN. I understand they did not think the amount was proper compensation. The Department settled on a certain number of days.

Mr. HENDERSON. If this amount is allowed, and paid, will they come again for an additional amount?

Mr. HICHBORN. No. They agree to take this and be satisfied.

Mr. SAYERS. This item has been submitted to Congress before?

Mr. HICHBORN. I understand that it has.

STATEMENT OF J. R. GIBBURN, BUREAU OF ORDNANCE.

Mr. SAYERS. On page 37 there is an item for deficiency in appropriations for contingent service, Bureau of Ordnance, for 1891, \$400. Have you any explanation further than the note that is given in the bill?

Mr. GISBURN. No, sir.

Mr. O'NEIL. Does that refer to Boston?

Mr. GISBURN. The bill is for lumber transported. It is gun-carriage timber transported from Boston to Washington. Before that bill came in our appropriation was exhausted.

Mr. HENDERSON. Did you not know that it had been contracted for?

Mr. GISBURN. Yes, sir.

Mr. HENDERSON. Suppose the bill did not come in until late. Why didn't you hold the funds?

Mr. GISBURN. We are allowed to spend so much money for transportation, even if that runs above the amount allowed, and we pay the bills as they come in.

Mr. HENDERSON. Under the law you are authorized to incur a deficiency?

Mr. GISBURN. Yes, sir.

Mr. SAYERS. The next item is to pay amounts of accounting officers for freight under "Contingent, Bureau of Ordnance," for the fiscal year 1891, \$64.48.

Mr. GISBURN. That comes from the Treasury Department.

Mr. SAYERS. You know nothing about it?

Mr. GISBURN. No, sir.

STATEMENT OF MAJ. J. W. POWELL, DIRECTOR OF THE GEOLOGICAL SURVEY.

Mr. SAYERS. On page 41 we have an item for the Geological Survey for topography east of the one hundredth meridian, \$3,818. Please explain that.

Maj. POWELL. The deficiency is the first I have ever asked for. It arises from a defalcation. The disbursing officer, who disbursed about \$125,000 for the month, embezzled a portion of the funds. He embezzled it in this manner: He drew the money from the Treasury on his own check, and at the same time gave out checks to these men in full for their salaries. Their names are listed there with the amounts. It was to pay their traveling expenses. When these checks came in there was nothing to pay them. I made an examination of the matter and had the man indicted. He is now on bail awaiting his trial, and the sureties, who are good, are bound severally for the amount, and have been prosecuted.

Mr. SAYERS. What is the name of this official?

Maj. POWELL. His name is Karl.

Mr. SAYERS. I understand you to say that this defaulter has been indicted in the District of Columbia, and that a suit has been instituted against the sureties?

Maj. POWELL. Yes, sir.

Mr. SAYERS. How long has that been pending?

Maj. POWELL. That comes under the Treasury. They have entered suit. I have attended to the prosecution.

Mr. SAYERS. From your information, you believe the sureties are responsible?

Maj. POWELL. Yes. They are financially able. If it is paid, however, I can not use it to pay these items. I have the items listed there in full.

Mr. SAYERS. For topography west of the one hundredth meridian, \$754.51.

Maj. POWELL. Those are both for the same purpose.

Mr. HENDERSON. The money has not been paid twice?

Maj. POWELL. No, sir. The money was drawn from the Treasury and not applied to this purpose, but he drew the checks on his own account. Of course he was immediately caught. It all happened in two weeks. He was indicted and sent to jail, and he is now out on bail awaiting trial.

At this point the committee took a recess until 3 o'clock p. m.

AFTER RECESS.

STATEMENT OF W. B. COOLEY, CHIEF CLERK POST-OFFICE DEPARTMENT.

The CHAIRMAN. Commencing with the first item, rent of building, I will ask you why no appropriation was made for this purpose?

Mr. COOLEY. The Post-Office Department, back in 1885, I believe it was, made a lease of this building known as Marini's Hall for one year, which is the limit, with the privilege, however, as is usual, inserted in such leases of renewal for a further period. That ran on for a number of years, the rental being \$4,500 per annum and that sum being annually appropriated for rent. The legislative, ex-

ecutive, and judicial appropriation bill for the year ending June 30, 1891, contained a provision, and it finally passed, requiring the Post-Office Department to vacate that building by the 1st of February, 1891, an absolute mandatory requirement that we should vacate that building by the 1st of February, 1891, and making an appropriation for another building then in process of erection, now called the Busch building, opposite the Department. We could not get the Busch building done by the 1st of February. We advised the committee, I believe, of that fact, and a joint resolution was prepared extending the time during which we might occupy Marini Hall, as we could not have the Busch building done. The resolution passed the House, if I remember correctly, but failed to pass the Senate. We could not get out and had to stay there until the Busch building was completed, which was about the 1st of June, no, the 22d of July, when, I think, the Busch building was finally completed and ready for occupancy, and we moved out of Marini Hall. Now, of course, while the annual appropriation might have been made in that bill for that year, yet it was not, and it was made to the 1st of February.

Q. The next item is "For balance of agreed rental unpaid for months of July, 1890, to January, 1891, etc."

Mr. COOLEY. That is because while our lease stipulated the rental should be \$4,500, Congress reduced the appropriation to \$4,000 during those months, and the lessors claim, and I think equitably, that the amount named in the lease ought not be reduced. We paid them only at the rate of \$4,000, while our lease was originally made in 1885 at \$4,500.

Mr. HENDERSON. They reduced it to how much a year?

Mr. COOLEY. Four thousand dollars.

The CHAIRMAN. This item of \$2,541.69 is the balance claimed by them for the use of the building under the contract after Congress had determined but \$4,000 should be paid?

Mr. COOLEY. It was for both of those things; it is for rental at \$4,500 from February 1 to August 1 and for the difference in rental from \$4,000 and \$4,500 for the months of July, 1890, to January, 1891, inclusive.

The CHAIRMAN. Are the two items separate in your estimate?

Mr. COOLEY. I think not; no, sir.

Mr. HENDERSON. How much is it for the rental?

Mr. COOLEY. The rental of the months of February, March, April, May, June, and July amount to \$2,250, and the other is at the rate of \$41.69, or \$291.69, making \$2,541.69.

Mr. HENDERSON. The owners made you pay that, expecting to get the full amount out of Congress; is not that about it?

Mr. COOLEY. I do not know; there may be two sides to that.

The CHAIRMAN. There may be two sides to the case; then of course the Government has the other side?

Mr. COOLEY. Well, in all fairness I should say all the equities are in favor of the owners of the building.

The CHAIRMAN. Did not the owners of the building have the option when the rent was reduced of declining to let the Government have the building at all?

Mr. COOLEY. They accepted under a proviso, I believe, in the nature of a protest, if I remember correctly.

The CHAIRMAN. Did the Department assume to rent a building with an attachment in regard to rent?

Mr. COOLEY. No, there was no attachment; we simply paid what money we had.

The CHAIRMAN. The Department contracted for the use of this building for the rent defined by Congress, did it not?

Mr. COOLEY. No, sir; for the fixed sum of \$4,500 per annum, that being the appropriation at the time the lease was made.

Mr. HENDERSON. That is the first lease?

The CHAIRMAN. But after Congress passed the act reducing it to \$4,000, then what steps did you take?

Mr. COOLEY. None whatever; we never had but one lease executed.

The CHAIRMAN. Did you have an understanding with the lessor?

Mr. COOLEY. None whatever.

Mr. HENDERSON. You just went ahead and took the risk?

Mr. COOLEY. We simply paid what money we had at our disposal.

The CHAIRMAN. The lessor had the right to turn the Government out of the building?

Mr. COOLEY. Yes, sir; certainly.

The CHAIRMAN. He did not do it?

Mr. COOLEY. No, sir.

By the CHAIRMAN:

Q. The next item is, "For advertising," being a deficiency on account of the fiscal year 1891, \$240.34.

Mr. COOLEY. That is a Treasury Department item. an audited balance. Nearly all the items of this Ex. Doc. No. 192 are audited Treasury balances, and I gave notice to the Sixth Auditor to send some one up here.

The CHAIRMAN. The next item is "mail transportation."

Mr. COOLEY. That is of the same nature.

The CHAIRMAN. There is nothing else?

Mr. COOLEY. Nothing that is in the Post-Office Department.

Mr. HENDERSON. There is an item here, "Compensation of postmasters; for amounts to reimburse the postal revenues of the fiscal years 1890 and 1891, being the amount retained by postmasters in excess of the appropriation (ascertained and estimated) as follows: for 1891, \$678,118.41;" what proportion of that is ascertained and what proportion is estimated?

Mr. COOLEY. I have not the slightest idea, this is an Auditor's item.

Mr. HENDERSON. That is not all audited, part of it is estimated.

Mr. COOLEY. I notified the gentleman to be here at 3 o'clock.

STATEMENT OF HON. W. H. H. MILLER, ATTORNEY-GENERAL OF THE UNITED STATES.

The CHAIRMAN. Commencing on page 53, you may state in regard to those items.

Mr. MILLER. "Stationery, \$250;" I will state that these items are shown in Ex. Doc. No. 201.

The CHAIRMAN. I suppose they are stated there about as fully as you can give them?

Mr. MILLER. Yes, sir.

Mr. HENDERSON. For what year is this \$250 a deficiency?

Mr. MILLER. For the current year, 1892.

Mr. HODGES. The disbursing clerk has paid \$100 out of his own pocket expecting to get an early appropriation, and he found he could not advance any more, and bills have come in for the remainder. In regard to that stationery item, it is owing a great deal to the Indian depredation bill. A good deal of stationery is used in the building.

Mr. MILLER. And a good deal of stationery for forms, etc.

The CHAIRMAN. The next item is "for furniture and repairs, being a deficiency for the fiscal year 1891, \$85."

Mr. MILLER. You will find that on page 29, Ex. Doc. No. 221, at the bottom of the page.

Mr. HENDERSON (to Mr. Hodges). Do you know the facts about it?

Mr. HODGES. I know they were brought to me by the chief clerk, that is, vouchers were presented for the furniture which was bought. I believe I am as familiar with that as I can be.

The CHAIRMAN. The next item is for "transportation, \$75."

Mr. HODGES. That is explained at the bottom of page 29, Ex. Doc. No. 201.

The CHAIRMAN. You have no further explanation?

Mr. HODGES. I think not.

Mr. MILLER. I will say in regard to the next item of "defending suits in claims"—

The CHAIRMAN. I see this is to pay the Southern Pacific Company \$110.84 and the Central Pacific Railroad Company \$33.41; how did those items arise?

Mr. MILLER. From the transportation of agents of the Department, as I understand it.

The CHAIRMAN. The next item is "prosecution of crimes."

Mr. MILLER. This is to pay the Southern Pacific Railroad Company \$65.22, and to pay the Richmond and Danville Railroad Company \$20.30, that is the same.

The CHAIRMAN. The next item is "reform school, District of Columbia."

Mr. MILLER. That seems to be merely a matter of legislation.

The CHAIRMAN. I think we have a letter on file in regard to that.

Mr. MILLER. The matter of deficiency in transportation might have been the

same way, because we will have an excess of this year, and we might have applied it to pay for the little deficiency of last year.

The CHAIRMAN. The next item is "relief of Allen R. English;" how about that?

Mr. MILLER. That I do not remember about.

Mr. HODGES. Here it is found in Ex. Doc. No. 215.

Mr. HENDERSON. Give us a brief statement of that, Mr. Hodges?

Mr. HODGES. That is "for services rendered under appointment of the court in defending certain Indians charged with crime in the October term, 1889, of the first judicial district court of the Territory of Arizona. It shows the copies of the indictments of his accounts as approved by the courts of the letter of Mr. English transmitting his claim to his agent, A. J. Falls, of this city, and of the letter of Mr. Falls of April 18, 1892, forwarding the same to this Department."

Mr. HENDERSON. Has that been audited by the Comptroller?

Mr. HODGES. By the acting Attorney-General, Charles H. Aldrich, who approved this letter.

Mr. HENDERSON. Does not that class of claims generally go to the Auditor to be audited, or the First Comptroller?

Mr. MILLER. This is a claim that is really not a claim; it is just a question of whether Congress will appropriate for it or not.

The CHAIRMAN. To pay special counsel?

Mr. MILLER. Not exactly on account of that.

The CHAIRMAN. It is done by the court.

Mr. MILLER. The court designated this man to defend these Indians and there was no law for doing it, and the question is whether or not Congress will make an appropriation, and if so, how much, and the letter of the Acting Attorney-General, which is found in this Executive document, which you have here, I think states all I know about it.

The CHAIRMAN. This is Ex. Doc. No. 215, bearing on this subject?

Mr. MILLER. Yes, sir.

Mr. HENDERSON. Did not we have this before us in the last Congress?

Mr. HODGES. No, sir; you had claims like it under which you made appropriations for legal services rendered by attorneys.

Mr. HENDERSON. I know we have had similar cases.

Mr. HODGES. This is the only one this year, as far as I know.

Mr. HENDERSON. It is indorsed by the authority of the Attorney-General.

Mr. HODGES. Acting Attorney-General, Mr. Aldrich.

Mr. HENDERSON. Why is it so late in coming in?

Mr. HODGES. I can not tell you; this has only come in within a day or two.

Mr. HENDERSON. It is to close up his work, I suppose.

Mr. MILLER. The letter was written by Mr. Aldrich on the 22d of April while I was South.

Mr. HODGES. It came to the Department April 18.

The CHAIRMAN. The next item is, "fees of marshals."

Mr. MILLER. That is the current year, and the reason for that is the appropriation for 1892 was not sufficient, as I told Mr. Cannon at the time it would not be.

The CHAIRMAN. I see your estimate was for \$765,000, and you add \$250,000, and that would make about \$925,000.

Mr. MILLER. Yes, sir; and if the estimate was \$765,000 it was not enough.

The CHAIRMAN. Do you feel confident you will need all this appropriation?

Mr. MILLER. I do not think there is any doubt about it at all. These courts have been increased and the service of the marshals have been increased. Fees of the Oklahoma court took money like fury, you know, and the number of places of holding United States courts are increased every Congress, and all these things made an additional cost.

Mr. HENDERSON. What about that proviso?

The CHAIRMAN. That runs in the law.

Mr. MILLER. There is no objection to it.

The CHAIRMAN. It is part of the statute.

Mr. MILLER. Yes, sir.

Mr. HENDERSON. It reads "that not exceeding \$—— of this appropriation may be advanced to marshals"——

Mr. MILLER. It has always been \$500,000.

Mr. HODGES. Yes, sir; for the last two years; before that it was \$400,000.

Mr. HENDERSON. There is a deficiency of \$250,000, what do you want that for?

Mr. HODGES. It is to settle claims, accounts in the Treasury now unsettled.

Mr. MILLER. I do not see there is any occasion for that proviso at all.

Mr. DINGLEY. Then, what is the necessity for it?

Mr. MILLER. I do not see any occasion for it.

The CHAIRMAN. Did I understand you to say that these deficiencies have already accrued.

Mr. HODGES. A great many of them have. Here is a letter of the First Comptroller dated April 22, showing 23,000 accounts already adjusted which could not be paid.

The CHAIRMAN. The next item is, "for 1891, \$175,201.07."

Mr. HODGES. First Comptroller accounts already adjusted.

The CHAIRMAN. The last item on that page is "for fees special deputy marshals at Congressional elections."

Mr. HODGES. That is in the southern district of New York. It is found on page 17 of Executive Document 201, where the names of the parties are given.

Mr. HENDERSON. Are these audited accounts?

Mr. HODGES. No, sir; in the hands of the marshal unsettled.

The CHAIRMAN. The next item is, "fees of witnesses for 1889, \$1,000."

Mr. HODGES. That is adjusted; First Comptroller's accounts.

The CHAIRMAN. The next item is, "fees of district attorneys, \$80,000."

Mr. HODGES. That is an estimate which the First Comptroller states will be needed.

Mr. HENDERSON. I see it is \$46,767 for 1891.

Mr. HODGES. Yes, sir.

Mr. HENDERSON. Is that audited?

Mr. HODGES. Yes, sir.

The CHAIRMAN. But the \$80,000 is not audited?

Mr. HODGES. No, sir; that is an estimate of the First Comptroller.

The CHAIRMAN. Do you know how much money you have on hand now on the 1st of June?

Mr. HODGES. No, sir; I do not. That is a matter we control in no way, and it is all with the First Auditor and the First Comptroller, and that is their estimate.

The CHAIRMAN. The next is for 1890.

Mr. HODGES. That is the same.

The CHAIRMAN. "To supply deficiencies in the appropriation for special compensation to district attorneys for the fiscal years, as follows: for 1892, \$3,000;" whose estimate is that?

Mr. HODGES. That is a Department estimate. I will tell you about that in a moment.

The CHAIRMAN. You estimate for \$10,000 and we gave you \$5,000 and now you estimate for \$3,000 more, making \$8,000?

Mr. HODGES. That is special compensation to district attorney, \$3,000.

Mr. HENDERSON. Does that document give the names of special assistants with the amounts to be paid to each?

Mr. MILLER. These are not special assistants; that is for unofficial services of district attorneys. For instance, where some officer of the Government is sued in a State court and I said to the district attorney, "go and defend him," it may be that I have to send him out of his own district or something of that kind.

Mr. HENDERSON. Why can not you reach the Interstate Commerce Commission that way and give counsel? Mr. Morrison was before us asking help the other day.

Mr. MILLER. But we would have to pay all the same.

Mr. HENDERSON. Is there a law for this?

Mr. MILLER. Yes, sir.

Mr. HENDERSON. You have authority under the law?

Mr. MILLER. Yes, sir; I have the authority under the law to direct them to do it.

Mr. HENDERSON. On page 57 for 1891 the amount is \$7,461.76; that stands upon the same footing.

Mr. MILLER. Yes, sir.

Mr. HENDERSON. Also the next item for 1890 of \$1,815.09?

Mr. HODGES. Yes, sir.

Mr. HENDERSON. To pay special assistant attorneys?

Mr. MILLER. That is the case you had in mind. I am compelled to employ special assistants.

The CHAIRMAN. Mr. Attorney-General, in the estimate submitted from the Department of Justice were the names of these attorneys and the amounts for each one set forth?

Mr. MILLER. I think you have them all. Now, for instance, you know about that case we had in the northern district of Texas where we employed Mr. Crawford?

The CHAIRMAN. Yes.

Mr. HENDERSON. What executive document will give these special assistants?

Mr. HODGES. Application to the First Comptroller will get them.

Mr. HENDERSON. What executive document gives the names of these special assistants?

Mr. HODGES. That is what I told you. There is no special executive document, but the First Comptroller of the Department in April stated that here is a statement of actual deficiencies, that is amounts that have been approved by the Department and sent to him for adjustment. We do not keep a list of these, but at the end of the annual report you will find them.

Mr. HENDERSON. We used to have this all stated in some report.

Mr. FOSTER. They are in the report of the Department of Justice, I think.

Mr. HENDERSON. These accounts pass through your office before going to the Auditor to have them audited?

Mr. MILLER. They are all approved and passed to the Treasurer, and by him are sent in. I went over these very carefully in every case.

Mr. HENDERSON. I know you did in the last Congress.

Mr. MILLER. I did it this time and allowed just what I thought was fair and necessary compensation.

The CHAIRMAN. The next item is, "For special counsel to mission Indians, California, from July 16, 1883, to January 14, 1886, \$2,100." Has not there been heretofore some appropriation for this purpose?

Mr. MILLER. There was during the last year \$2,500. A man by the name of Lewis, if I remember aright, has been employed and has been looking after those matters. I think he looked after them some part of the year previous. There is an appropriation, I think, in the current appropriation bill for the ensuing year. That is my impression, but that is, as you see, an old deficiency.

The CHAIRMAN. This is a deficiency of 1886?

Mr. HODGES. From 1883 to 1886.

The CHAIRMAN. Has this been here before?

Mr. HODGES. This has not been here before. I say that because three or four years ago the attorney did not know whether he should put them in or not; he did not know whether Congress would act on it favorably, but I suppose when he saw you made an actual appropriation for the same counsel subsequently, he thought you would pay this when it was done in the same line.

Mr. HENDERSON. Why did he bring in the last work first?

Mr. HODGES. This is not the same counsel.

Mr. HENDERSON. One you say was paid \$2,500, but he was another counsel?

Mr. HODGES. Yes, sir; it was under a direct appropriation.

Mr. HENDERSON. Who was this \$2,500 paid to?

Mr. HODGES. I have forgotten the man's name.

Mr. MILLER. I think it was a man by the name of Lewis.

The CHAIRMAN. The next item is "For payment of legal services W. H. White, on account of fiscal year 1890, \$1,000."

Mr. HODGES. Strike that out.

Mr. HENDERSON. Why drop it out?

Mr. HODGES. Because it is not a deficiency, sir. It has been certified elsewhere as an audited claim.

The CHAIRMAN. The next item is "Fees of clerks; to supply deficiencies in the appropriation for fees of clerks, United States courts, for the fiscal year as follows: For 1892, \$75,000."

Mr. HODGES. That is an estimate of the First Comptroller. All these amounts which have an asterisk are estimates of the First Comptroller of the Treasury.

The CHAIRMAN. You have nothing to do with these matters in regard to clerks or commissioners either?

Mr. MILLER. No, sir.

The CHAIRMAN. "Support of prisoners, \$175,000 for 1892"?

Mr. HODGES. That is a misprint, I think, Mr. Sayers. The Department letter of April 11, 1892, in Executive Document 194, says \$125,000.

Mr. HENDERSON. You asked for \$400,000 and you were given \$375,000, and now you are asking for \$175,000. Mr. Chairman, Mr. Hodges says he thinks it is a misprint.

Mr. FOSTER. It ought to be \$125,000.

The CHAIRMAN. The estimate is \$175,000.

Mr. FOSTER. I think our estimate at the time was \$125,000.

The CHAIRMAN. How much do you say it should be?

Mr. HODGES. \$125,000.

Mr. FOSTER. We can not regulate it at all. It is simply this, the bills come in and we have to pay them.

Mr. HENDERSON. What evidence have you that it will be \$125,000 this year? Have you got bills in for a certain number of months and you take them as a basis for the balance?

Mr. FOSTER. Yes, sir.

Mr. MILLER. It is not quite fair to say we can not regulate them, because we do regulate them and we jew and dicker and make the best contracts we can for the keep of prisoners. We have a contract for instance for the keep of prisoners in Detroit, and we keep a part at Columbus and a part at Albany, N. Y. Now, we have got those rates down very low.

Mr. HENDERSON. What Mr. Foster seems to think is, that after having jewed down as low as you can and made the contracts the result is forced.

Mr. FOSTER. One item that has increased the present amount more than anything else is that it will cost \$40,000 in Oklahoma alone.

The CHAIRMAN. The next item is "For 1891, \$99,768.28." You asked for \$375,000 in the first instance and you received it, and you now ask practically for \$100,000 more?

Mr. HODGES. Yes, sir; for these reasons: That the Comptroller certified that he had on hand adjusted accounts for the support of prisoners, \$80,618.53.

The CHAIRMAN. When was that?

Mr. HODGES. April 13, 1892, and the accounts sent forward by the marshal amount to \$19,149.75, which added together makes \$99,768.28 outstanding accounts.

The CHAIRMAN. So these accounts are—

Mr. HODGES. Are actually in existence; there is no problem about it.

Mr. HENDERSON. These are audited?

Mr. HODGES. \$80,000 are audited.

Mr. HENDERSON. You are now discussing the item on the top of page 59 for 1891?

Mr. HODGES. Yes, sir.

Mr. HENDERSON. Where you ask for \$99,768?

Mr. HODGES. Yes, sir.

Mr. HENDERSON. Now, we gave you your estimate for 1891. Can you give any reason why it has exceeded the estimate?

Mr. HODGES. I do not understand you, sir.

Mr. HENDERSON. The estimate for 1891 was \$375,000 and the amount appropriated was \$375,000. Can you give any reason why the amount required for 1891 is so much in excess of the estimate?

Mr. FOSTER. I should say there were three reasons. The first reason is the increase in prisoners, and also increase more especially in jails which were not properly considered, and then there is Oklahoma, and then prior most of our prisoners were kept on what was known as "contract labor" and nothing was paid for their keeping. More recently we had to pay for keeping every single man because we could not pay under contract labor under the law of the United States.

Mr. O'NEIL. When was that law passed?

Mr. FOSTER. About five or six years ago.

Mr. HENDERSON. I will be glad to have the Attorney-General send a letter on that subject giving the reasons.

Mr. MILLER. I will do so.

Mr. O'NEIL. All your prisoners are sent to State prisons—

Mr. FOSTER. Yes, sir.

Mr. O'NEIL. That is, you have no prisons of your own to maintain them.

Mr. FOSTER. That is it.

Mr. HODGES. Only one place, Fort Smith.

The CHAIRMAN. The next item is "Pay of bailiffs, etc., for 1892, \$27,000." I see you estimated for 1892 \$170,000, and there was appropriated \$135,600. This will be altogether a little more than your estimate.

Mr. HODGES. That \$27,000 was made, if you will remember, some time ago in April.

The CHAIRMAN. Twenty-five thousand dollars was submitted in April?

Mr. HODGES. Yes, sir; but we did not get it. If we were to make an estimate again, instead of \$27,000 we should have to make it \$30,000 now, with further information in relation to the matter. If you will notice for the year 1891 there is a deficiency of \$35,000, all of it accounts in the hands of the First Comptroller or in the hands of the marshal, that he certified are not paid and which are just and due.

Mr. HENDERSON. What was the deficiency under this head for 1891?

Mr. HODGES. We did not get any; we asked for it.

The CHAIRMAN. For 1891 it was \$35,888.77.

Mr. HODGES. Yes, sir.

The CHAIRMAN. You asked for \$140,000 and you got \$135,600. Why is this increase in expenditure over your estimate? to what do you attribute it?

Mr. HODGES. A deficient estimate.

Mr. MILLER. It is not merely that, it is the increase of court services and officers. You increase the number of places where courts have to be held and necessarily you increase the expenses of those courts.

Mr. HENDERSON. I will be glad if you will add these reasons in your opinion when you give it to us. There is some reason evidently which was not developed at the time the estimates were given.

The CHAIRMAN. The last estimate for 1890 is \$1,155.50.

Mr. HODGES. These are all in the hands of the marshal.

The CHAIRMAN. Is it ascertained.

Mr. HODGES. Ascertained; it is on the fifth page of Ex. Doc. No. 201.

Mr. O'NEIL. In other words, the expenses for three years was about \$170,000 a year.

Mr. MILLER. Yes.

The CHAIRMAN. Now, coming to miscellaneous expenses: "For payment of certain miscellaneous expenses as may be authorized by the Attorney-General," etc. You ask for 1892, \$33,000. Your estimate is \$165,000, and your appropriation was \$150,000. You have gone about \$18,000 above your estimate?

Mr. HODGES. Yes, sir; about \$18,000 above the estimate.

The CHAIRMAN. I suppose your explanation as to these increases heretofore will apply to this also.

Mr. MILLER. Yes, sir.

Mr. HENDERSON. Where your expenditures have exceeded the estimates, I will be glad to have any explanation you have to make included in this letter which you are expected to give.

Mr. MILLER. Yes, sir.

The CHAIRMAN. For 1891 you asked for \$150,000 and you received \$165,000, and now you have a deficiency of \$36,636.49. How does that arise?

Mr. HODGES. Perhaps I got ahead in stating about that; it arises from two accounts. For the fiscal year 1891 accounts already adjusted ready for settlement in the hands of the Comptroller were \$28,810.77; accounts in the hands of marshals set forth in detail in this document, \$7,825.72, which added together make up the estimate of \$36,636.49.

Mr. MILLER. He wants a statement of why it is we did not make an estimate as large as the expenditures finally demanded.

Mr. HENDERSON. Can you give any explanation of it?

Mr. HODGES. You know we have to pay bailiffs, three to a term of court, and it will take six bailiffs if there are two terms of court, three for each court; formerly they got along with five. Sometimes they got along with four, but now they take their chances and they begin to employ a bailiff where it will come within three for each court, district and circuit courts, and the same thing will apply to the circuit court of appeals. The miscellaneous expenses have grown, I think, especially through the necessity which courts during the terms have for speedy trial of cases. They ask for a stenographer in every case in which there is a probability of appeal. Formerly they had a stenographer for two or three cases in a term, and now they run eight, ten, and twelve cases in a term, especially where there is a chance of appeal, where a man's liberty is involved, his going to the penitentiary, and where a man is tried for resistance of an officer, and in such cases as that. The stenographer's bills, Mr. Sayers, amounts to more than our deficiency; \$50,000 is saddled upon us as expenses of the Supreme Court of the United States, for which we are not accountable.

Mr. HENDERSON. When did we first allow the use of stenographers in Federal courts?

Mr. HODGES. I think it has been four or five sessions that that word has been found in the appropriations.

Mr. HENDERSON. I know I was one of the fellows who fought for it. It is a thing which grows greatly, and you can not get along without a stenographer in hardly anything.

Mr. MILLER. They have them in the State courts.

Mr. HODGES. You know there is hardly a week passes but we have one or two requests for such employment.

Mr. MILLER. We have to pay a good deal of money for experts and for interpreters. Take, for instance, the Indian Territory, and where we have Chinese witnesses, and there is a great deal of money expended in these ways.

The CHAIRMAN. These courts have no authority to employ stenographers without reference to yourself?

Mr. MILLER. No.

The CHAIRMAN. They must get special permission in each case.

Mr. MILLER. Yes, sir.

Mr. HENDERSON. Where was that fixed; I was thinking we authorized the courts to do that?

Mr. HODGES. No, sir; but they assume it.

Mr. HENDERSON. Do you allow them as a matter of course, or do you allow the courts to recommend it?

Mr. MILLER. I require a statement of the character of the case where it is needed. It used to be the rule there was no writ of error in a criminal case, but now you know in every murder case there is a writ of error, and you must have a stenographer's report of the evidence; so in felony cases there is a writ of error, and the Supreme Court requires the testimony must be reported.

Mr. HENDERSON. Have you the data of the amounts paid for stenographers for several years back up to date?

Mr. MILLER. I do not think we have it in our office. I suppose we could probably find it in the Comptroller's Office. You must keep in mind we do not keep any records in our office, that the accounts are all kept in the Treasury. Certain expenditures come in and I pass upon them, and allow or disallow them, and then they go over there and they keep the record; for instance, special fees for district attorneys and the amounts for keeping prisoners and expenditures for marshals, and that sort of thing must be passed on in our office.

The CHAIRMAN. The next item is "rent of court-rooms." I see you ask \$20,000 more than you received during the present year. You estimated \$65,000, and there was appropriated \$50,000.

Mr. MILLER. Now, you see the reason of that is as I told you. You gentlemen used to be satisfied to have us hold court at one place in Indiana. Now, you have got it in four places, and in Kansas I guess there are five or six places, and in Minnesota I do not know but what they have got them in every county.

The CHAIRMAN. For 1891 you asked \$20,599.45, so your expenditure for rent of court rooms for 1891 is larger than for 1892.

Mr. MILLER. Yes, you got some new buildings.

The CHAIRMAN. The next item is, "expenses of Territorial courts in Utah." I see you asked \$45,000 and received \$40,000, and now you ask for \$25,000 deficiency.

Mr. HODGES. We have got from 205 to 211 prisoners to feed every day, and it costs nearly \$4,000 a month, or a little over \$4,000 a month.

Mr. HENDERSON. What has this to do with feeding prisoners?

Mr. HODGES. This is made payable under this appropriation.

Mr. HENDERSON. The prisoners are paid under this?

Mr. HODGES. Yes, sir; nearly all that money goes there.

Mr. HENDERSON. How many prisoners have they?

Mr. HODGES. From 205 to 211.

Mr. HENDERSON. Now?

Mr. HODGES. Yes, sir

Mr. HENDERSON. How does that compare with three years ago?

Mr. HODGES. It has been growing all the time. The Edmunds bill and the Tucker bill made it grow, and a good many have come in; probably there are from fifty to one hundred more prisoners.

The CHAIRMAN. I see you have a deficiency running back to 1887; why was not this deficiency provided for before this?

Mr. HODGES. That has been asked for because the marshal did not tell us the amount to ask for, and he did not know himself. There is the deficiency of 1887, which was incurred by his predecessor, who is now dead.

The CHAIRMAN. Have these claims and the amount of the different sums been adjusted?

Mr. HODGES. No, sir; they are claims held by the creditors of the United States.

The CHAIRMAN. What I mean to say is, have they been adjusted by the Treasury Department?

Mr. HODGES. No, sir; they never had any money to be settled, so they could be adjusted.

The CHAIRMAN. If there was not an appropriation would they not be examined and audited?

Mr. HODGES. No, sir; not unless by a special law.

Mr. HENDERSON. Why?

Mr. HODGES. Because they were not accounts prepared for their adjustment. A man has to go into court and swear he has paid this amount in lawful money, and the court approves them, and then they have to come to the accounting officers of the Treasury for adjustment.

Mr. HENDERSON. These are in the hands of the creditors or lawful representatives of deceased persons?

Mr. HODGES. Yes, sir; and presented to the marshal for settlement.

Mr. HENDERSON. Are they audited?

Mr. HODGES. They can not be audited until paid, and they can not be until the marshal presents the voucher.

The CHAIRMAN. The next item is "Rent and incidental expenses, Territory of Alaska." I see you ask for \$521.57 for 1892. You asked for \$1,000, I see, and the appropriation was \$500.

Mr. HODGES. The estimate was pretty near, because you need that \$1,000 every year.

The CHAIRMAN. The next item is "Defending suits in claims against the United States." I see you asked in 1891 for \$433.80; for 1888, \$10, and for 1885, \$200.25. Please explain why this 1885 deficiency came in here.

Mr. HODGES. I will show you where it is in a moment. It is on page 25 of this Executive Document No. 201. You will see here the claim of Edward B. Smith, \$200.25—

Mr. HENDERSON. I see that executive document just gives the name and amount, and does not throw much light on it.

Mr. HODGES. They are claims the Assistant Attorney-General has approved.

Mr. MILLER. There is S. A. Darnell, who is district attorney for the northern district of Georgia, and he has evidently taken a deposition down there, for which he was entitled to pay of \$10. Then there is John C. Cheney, \$64.30. He is one of the attorneys of the Department, one of the assistant attorneys, and a very efficient one, too. A year ago, a short time before the expiration of the fiscal year, Cheney was sent somewhere. I have forgotten where, but it was in the far West, taking testimony in a number of these suits. He paid his own expenses and when he came back he found there was not enough money left in the appropriation to pay him out. I remember distinctly when he was short that \$64.30 he came in all broken up to me and wanted to know if he was going to get his money back. I said that the only way to get it back was to ask an appropriation from Congress. Now, that is what he did. That is money actually paid out by him for traveling expenses, hotel bills, and that sort of thing while he was taking testimony for the Government. The others are of the same character. I happened to see two or three of them that I am familiar with.

The CHAIRMAN. The next item is "Circuit court of appeals: For salaries and expenses of the circuit court of appeals, \$5,000."

Mr. HODGES. That is expenses instead of salaries and expenses.

The CHAIRMAN. What are the character of the expenses?

Mr. HODGES. It is mainly for messengers, and bailiffs, and all attendants, stenographers, etc. Each one of them wants a stenographer and a messenger if he can get it.

Mr. MILLER. They do not get all they ask for.

Mr. HODGES. They ask for it. \$5,000 is lower than will be necessary to meet the claims. We did not have any money to pay for the courts held at Boston, and we did not have any money for courts held at St. Paul.

Mr. MILLER. We have not got the money to pay these judges their salaries now.

The CHAIRMAN. What is the matter?

Mr. MILLER. The appropriation was \$60,000, and it was not enough; that is the size of it. When I got back from the South recently, just after I got back, these bills were coming in and we had only \$700 or \$800 in the Treasury, and I got a letter from Taft with a bill for the month's pay. It had been presented and it was not paid, and he wanted to know what was the reason.

Mr. HENDERSON. I do not understand this; you say you asked for \$5,000 and this executive document asks for \$42,000. Does that include this?

Mr. HODGES. Yes, sir.

Mr. HENDERSON. How much are you asking for now?

Mr. HODGES. \$5,000 to defray the expenses unpaid for this fiscal year.

The CHAIRMAN. And in addition to that you ask what is embraced in Executive Document No. 37?

Mr. HENDERSON. Let us understand this.

Mr. HODGES. This is the bottom of it; you made an appropriation to read thus: "For salary and expenses, a certain sum," and that was for salaries and expenses, and the terms of court began and you paid out of that appropriation the expenses until the time that the members who make the court were confirmed, and then their salaries began to be paid and it was reduced so low—

Mr. HENDERSON. That they could not get enough to pay the salary?

Mr. HODGES. No, sir.

The CHAIRMAN. The long and short of the business is that these offices were created by the last Congress and they failed to make an appropriation for this fiscal year?

Mr. HODGES. Then we hope you will.

The CHAIRMAN. I expect we will, but we want to be just.

Mr. HENDERSON. I will read this:

TREASURY DEPARTMENT, *February 11, 1892.*

SIR: I have the honor to inform the Congress that from information received from the Attorney-General and the First Comptroller the appropriation of \$60,000 made by the act of March 3, 1891 (26 Stat. L., p. 884), for salaries and expenses of circuit courts of appeals, established by the act of March 3, 1891 (26 Stat. L., p. 826), will not be sufficient to continue that service to the end of the present fiscal year. There has already been expended on this account the sum of \$44,512.69, leaving a balance of \$15,487.31.

It will require the sum of \$42,935.40 to pay the salaries of the judges, clerks, and marshals of said courts from February 1 to June 30, 1892, inclusive, and the balance remaining to the credit of the appropriation will be needed to meet the running expenses of the courts. Other expenses have been incurred in the organization, etc., of the said courts, the amount of which has not yet been ascertained, but will be submitted to Congress at a later date.

It is requested, therefore, that an additional sum of \$42,000 be provided in the urgent deficiency bill for salaries and expenses of circuit courts of appeals for the fiscal year ending June 30, 1892, to meet the salaries of the officers of said courts as they may become due and payable, any unexpended portion thereof to be available for expenses of the courts.

Respectfully yours,

O. L. SPAULDING,
Acting Secretary.

The PRESIDENT OF THE SENATE.

Now, as I understand that, the \$15,487.31 unexpended February 11 will be needed for expenses for the balance of the fiscal year, and the \$42,000 is needed for salaries from February 1 to June 30, 1892, inclusive?

Mr. HODGES. How is that?

Mr. HENDERSON. That is the way I understand that document.

Mr. MILLER. There are nine of these judges and they get \$500 a month, so there is \$4,500 a month for salary. Commencing the 1st of February, March, April, May, and June, five months, makes \$22,500 for salaries.

Mr. HENDERSON. I will be glad, Mr. Chairman, to have this Executive Document No. 37 handed over to the Attorney-General to investigate and report on to us.

The CHAIRMAN. Very well.

Mr. HENDERSON. And possibly we might want to hear Mr. Spaulding.

The CHAIRMAN. We will pass on to the next.

Mr. HENDERSON (to Mr. Miller). Will you be kind enough to take that document and analyze it later?

Mr. MILLER. I will do so.

The CHAIRMAN. The next item is, "For court of Private Land Claims: For expenses of the Court of Private Land Claims, \$25,000." Why is it you need \$25,000?

Mr. HODGES. I do not know anything about that \$25,000; the estimate of the Department was \$5,000.

Mr. HENDERSON. The clerk's note says "\$20,000 of the foregoing sum was submitted in House Executive Document 94. See also letter on file, red No. 29." Is it not probable that one came from one Department and another from another?

Mr. COURTS. No, both of them came from the Department of Justice.

Mr. HODGES. If you will look at Executive Document No. 94, I think the estimate was submitted and a statement made by Judge Reed that so much money would be needed, and that was submitted by the Department. If I remember correctly, when he was here he said he was misled as to the expenses, and they would not be as much as he anticipated.

Mr. MILLER. There are some great big bills there, just come in, for rent. I do not know whether they will come before you.

Mr. HENDERSON. In view of that statement of Mr. Hodges, I would like that whole question reviewed, and that the Attorney-General should write a letter to you, Mr. Chairman.

The CHAIRMAN. All right.

Mr. MILLER. I have not any information about it except what I get from Judge Reed's letter.

Mr. HENDERSON (to Mr. Hodges). You say that Judge Reed told you he had been misled as to the amount?

Mr. HODGES. I think that is the statement made by Judge Reed, that he overestimated these expenses, and they would not have as much as the letter sent to the Department indicated.

The CHAIRMAN. Well, since then there is another estimate under date of May the 7th, 1892, which asks for further appropriation?

Mr. HODGES. For what purpose?

The CHAIRMAN. Advertising.

Mr. MILLER. That is, the Washington Post, here; the New Mexican Printing Company, Santa Fe, N. Mex., and the Phoenix Herald, and a large part of it advertising in a paper in Denver. In regard to this Court of Private Land Claims, I know the law provided they should publish, as I remember, for ninety days the substance of the bill in a newspaper in each of the four places.

Mr. HENDERSON. Named in the bill?

Mr. MILLER. I think so. One of the places, I think, was to be in New Mexico, one in Arizona, one in Washington City, and one in Colorado. That is my recollection of it, and instead of publishing the substance of the bill, the provision being it should be in English and Spanish, they published verbatim the bill from the beginning to the end, both in English and Spanish, in each of those newspapers for that entire time; and the result is these large bills for publication which I refused to have anything to do with.

Mr. HENDERSON. I see the Attorney-General says, "I recommend their payment in such sums as Congress shall determine."

The CHAIRMAN. The next item is, "Defense in Indian depredation claims; for salaries and expenses in the defense of the Indian depredation claims, \$7,600." You received \$10,000?

Mr. HENDERSON. Has there been a deficiency of \$10,000 given this Congress?

Mr. MILLER. Yes, sir.

Mr. COURTS. There is still a further sum in the Indian appropriation bill in the nature of a deficiency.

Mr. MILLER. What is that for?

Mr. COURTS. It is the following provision inserted by the Senate as amendment No. 54 in the Indian appropriation bill: "To enable the Attorney-General to make special appearances, collect evidence, and prepare defenses in behalf of Indians whose funds are sought to be charged for depredations under the act approved March third, eighteen hundred and ninety-one, fifteen thousand dollars, to be immediately available; and from this sum there may be paid to the Assistant Attorney-General in charge of Indian depredation claims an amount sufficient to make his compensation the same as that allowed by law to the other Assistant Attorneys-General in the Department of Justice."

Mr. HENDERSON. Then it will not be needed if the Indian bill has put it on?

The CHAIRMAN. But suppose it is not on there. If this appropriation has not been provided for in the Indian bill you need it in here?

Mr. MILLER. Yes, sir.

The CHAIRMAN. The next item is "Expenses United States courts, Indian Territory." I see you ask for 1891 \$229.05, and \$700 for 1892?

Mr. HODGES. That is expenses of the judge holding court at other places than Muscogee.

Mr. HENDERSON. That is really forced by the act of May 2, 1890?

Mr. HODGES. Yes, sir.

Mr. HENDERSON. Is that the situation?

Mr. MILLER. I do not know exactly how it is.

Mr. HENDERSON. It says, "To pay the actual traveling and other expenses of the judge of United States courts holding court in the Indian Territory other than at Muscogee."

Mr. MILLER. Yes, sir.

The CHAIRMAN. The next item is "Deputy marshals in Oklahoma."

Mr. HODGES. You know, all we do, and the executive document conveys all the information, stating time, men at work, and what they charge for their services, and their expenses are certified by the marshal to the Attorney-General.

The CHAIRMAN. This executive document furnishes all the information?

Mr. MILLER. Yes, sir.

Mr. HODGES. I would say the printing bill at Denver was reduced voluntarily from the amount originally stated by the publication company on consultation with Judge Reed at Denver, Colo. I think that bill was reduced one-fourth, and the bill at Santa Fe and this bill in Arizona, I have forgotten the name of the printing company, but when the bills were last sent to the Department on which the Speaker of the House had a communication from the Department, they had made no such reduction. Judge Reed, the officer presiding over the court, can state the reason why they did make the reduction to him, although they did not submit it, if I understand it aright, in their last bill. Do you get the idea?

The CHAIRMAN. Yes.

THURSDAY, June 9, 1892.

STATEMENT OF GOVERNOR W. M. STONE, ACTING COMMISSIONER GENERAL LAND OFFICE.

The CHAIRMAN. Here is an item, "For the extension of the public surveys over certain portions of the land in Montana ceded by the Crow Indians as may be necessary to survey in advance of settlement," etc., for which you ask \$14,950. Have not any appropriations been made for that purpose?

Governor STONE. I do not think there have.

The CHAIRMAN. This is a new appropriation?

Governor STONE. I will tell you about this. We contracted for the old fiscal year for \$14,000, and we thought we could pay it out of an existing appropriation, I have forgotten what it was, but the First Comptroller of the Treasury differed from us. He said, We can not take it out of that fund. Now, I think we have contracted and part of the work is done, and we ought to have the money to pay that.

The CHAIRMAN. You say you have contracted for that work?

Governor STONE. I think so.

The CHAIRMAN. And part of the work has been done?

Governor STONE. Yes, sir; I think it is. But we have not got a cent to pay for it.

The CHAIRMAN. Do you know how much work has been done?

Governor STONE. I am unable to tell you.

The CHAIRMAN. How long have you been engaged on this work?

Governor STONE. I can not tell you, but a considerable length of time.

The CHAIRMAN. Will the contractors be able to survey this by the 1st of July and complete the work?

Governor STONE. I think not.

The CHAIRMAN. How much work will they be able to complete.

Governor STONE. Oh, well, with what they have done and the balance of this month I should think a good deal of it, at least a half, as near as I can get at it. Do you know, Mr. Edmunds? This gentleman desires to know how much of these reservations in Montana will be done during this fiscal year, and I have been guessing at it?

Mr. EDMUNDS. None of it; the boundary is surveyed.

Governor STONE. Has not a subcontract been had?

Mr. EDMUNDS. No, sir; only the exterior boundary, and there have been some surveys made on the reservation previous.

The CHAIRMAN. Have any contracts been made for surveying?

Mr. EDMUNDS. Within the reservation, no, sir, not recently, but there have been some made in previous years.

The CHAIRMAN. Is there any contract made for which this appropriation is designed to meet?

Mr. EDMUNDS. No, sir; we would not be authorized to enter into a contract in advance of an appropriation.

The CHAIRMAN. Now, the next item is, "Surveying the public lands;" this is a deficiency?

Governor STONE. This is a deficiency; yes, sir.

The CHAIRMAN. Is this an ascertained deficiency or an estimated deficiency?

Mr. EDMUNDS. It is estimated and needed for the survey for the balance of the fiscal year, but we had an application from Oregon for \$800 and another for \$1,134 from Washington and some from South Dakota, which could not be apportioned out of the appropriation, because the amount of available balance was insufficient. We sent what money we could. It is now too late to use the money if it is made as a deficiency appropriation.

Mr. DINGLEY. Has the work been done?

Governor STONE. No, sir.

Mr. DINGLEY. Can it be done this fiscal year?

Governor STONE. No, sir; they have not the time to do it.

The CHAIRMAN (to Mr. Edmunds). You went on to say you had received some estimates from certain Territories or States.

Mr. EDMUNDS. Yes, sir. Surveys have been executed which are all ready for examination. We could not apportion the necessary funds because the amount of available balance for the current year was insufficient. We had an application from Oregon for \$800 and that left an apparent balance of about \$300 or \$400. There is an estimate from Washington of \$1,134 and \$800 from Oregon, and some from South Dakota.

The CHAIRMAN. What is it for in Oregon?

Mr. EDMUNDS. For examination of surveys which have been executed in the field.

The CHAIRMAN. There is no examination had or contemplated during the present fiscal year for which this appropriation is designed to meet?

Mr. EDMUNDS. We did contemplate it when we submitted it in April.

The CHAIRMAN. I am asking you now, will you between now and the 30th of June need any of this money?

Mr. EDMUNDS. No, sir, we could not expend it; it is too late to expend it this year.

The CHAIRMAN. Then you have no contracts out to cover this?

Mr. EDMUNDS. No contracts covering that. We do not go ahead of the appropriation, of course.

Governor STONE. Pardon me, Mr. Chairman, we have the surveys already made which these examinations will apply to when the money is applied to them.

The CHAIRMAN. This appropriation in the sundry civil bill for next year will do as well?

Governor STONE. Yes, sir.

Mr. EDMUNDS. We could use this additional sum to great advantage if we had it.

Mr. DINGLEY. But no part of it is for this fiscal year?

The CHAIRMAN. The next item is, "Custodians of abandoned military reservations and ruins of Casa Grande." Please explain about that item, governor.

Governor STONE (to Mr. Edmunds). Is that a particular reservation, Mr. Edmunds, we want to appoint a custodian for?

Mr. EDMUNDS. I am unable to state anything in regard to these custodians.

Governor STONE. Because that comes under the Secretary of the Interior who appoints them, but we control them when they are appointed.

The CHAIRMAN. You do not know whether this is a deficiency or not?

Governor STONE. I do not know myself.

Mr. REDWAY. It is a deficiency; all of it.

The CHAIRMAN. Explain that item, Mr. Redway.

Mr. REDWAY. This is for the pay of those custodians who are appointed or receive pay only on condition that Congress vote an appropriation, and they have had no pay for this current year or the year before, and this appropriation is to cover those two years. They did have pay for the fiscal year 1890, but—

The CHAIRMAN. Why was no appropriation made for 1891?

Mr. REDWAY. The recommendation was made, but Congress did not appropriate. That is all I can answer about that.

The CHAIRMAN. There was no appropriation for 1891 and 1892?

Mr. REDWAY. Not for those men, or, rather, not deficiencies, although there was an appropriation of \$8,000.

The CHAIRMAN. I wanted to know whether there was an appropriation made at all that year.

Mr. REDWAY. Yes, sir; that is what I am going to tell you. There was an appropriation made of \$8,000 for the current year for the survey, appraisal, and sale of abandoned military reservations and for the pay of custodians, but of course that covers a great deal of ground.

The CHAIRMAN. Then, this is a deficiency?

Mr. REDWAY. Yes, sir.

The CHAIRMAN. Was there an appropriation for that purpose in 1891?

Mr. REDWAY. Yes, sir; just the same, \$8,000; but of course it did not cover—or rather it covered only a very few. There were four paid in 1891, and six paid during the current year, but none of these—

The CHAIRMAN. The understanding when you appointed them was that they were to take the risk of Congress making an appropriation?

Mr. REDWAY. Yes, sir; the terms of their appointment were such. They were appointed without pay unless Congress should make an appropriation.

The CHAIRMAN. Did any of these custodians for which this appropriation was made get any of the appropriation that was made for that purpose?

Mr. REDWAY. None of them; no, sir—that is, for whom the estimate is made; none for those whose names occur there. There was no money to do it.

Mr. DINGLEY. I see one of these, Casa Grande—there never has been any appropriation for it; it is new.

Mr. REDWAY. No, sir; there was no appropriation for pay proper. There was an appropriation of \$2,000 for protecting the ruins, but my impression is that a little of that went to this man as a salary. Most of it, however, was to put the ruins in such condition as they would be preserved. Of course you see that case is peculiar. It is not, in the first place, an abandoned military reservation at all, although it is under that head, but it is a matter of interest, and it should be preserved, and of course they can not unless there is somebody to take care of it.

The CHAIRMAN. The next item is "Townsites in Oklahoma;" is not that under your jurisdiction?

Governor STONE. Yes, sir.

The CHAIRMAN. Can either one of you explain that item?

Governor STONE. I do not know; my attention has not been called to it.

The CHAIRMAN. We will pass that; as I understand from the Clerk we have full letters on the subject. The next item is, "Relief of Alexander Sampson." That is all right, Governor Dingley, as you will see it is merely a change of name there. The next item is under the head of "protecting public lands, for amount of claim of Edward P. Fahanstock, for salary, etc."

Governor STONE. He sent in his accounts for June and July but they were not as full and specific as the rules of the Department required, and therefore they were suspended. Now, of course, the money that should have gone to him lapses into the Treasury. Subsequently he sent in his account in proper shape, properly verified, and we have not got the money to pay him with.

The CHAIRMAN. This is a deficiency for 1885.

Governor STONE. Yes, sir; way back when he went out of office, and he did not get his pay for those two months because his accounts were not in shape as the rules required. Now, he subsequently put them in shape.

The CHAIRMAN. There is no question about the amount due him?

Governor STONE. None whatever; he earned it. Now, there is another thing I would mention. The Missouri Republican has an item for advertising which is all right; it is an item they did not get in the right shape for that fiscal year, but which they afterwards put in proper shape, and we can not pay them unless we have an appropriation for it. That account is all right. It is verified and is a proper account.

Mr. EDMUNDS. They simply did not send their account in properly. It was for advertising sealed proposals for printing maps.

STATEMENT OF EDWIN STEWART, PAYMASTER-GENERAL, NAVY.

The CHAIRMAN. You can give us a statement of these items, "For pay miscellaneous, 1891, \$19,423.69." Please explain that fully.

Commodore STEWART. That is the outcome of expenditures at sea which we at this end of the line can not make any estimate of. We watch the expenditures as closely as possible, but a matter such as exchange fluctuates greatly.

The CHAIRMAN. These are adjudicated accounts?

Commodore STEWART. Oh, yes, sir. This is a statement made by the Fourth Auditor, reimbursing general accounts of advances and charged up against the proper appropriation money which has been paid out of this general account.

Mr. DINGLEY. Is there an appropriation for this purpose?

Commodore STEWART. This is an appropriation the Secretary is allowed by law to draw abroad against the general account of advances, and then when the accounts come into the Treasury Department they are charged up against the proper appropriation at the close of the year, and accounts will come in some time for amounts beyond a particular appropriation.

Mr. DINGLEY. There was an appropriation for this particular purpose?

Commodore STEWART. Oh, certainly. If you look at the next item of miscellaneous pay for 1890 there was an appropriation of \$26,000 made to cover a deficiency there and this \$167.63 is something that has come into the Treasury from some ship abroad since that time.

Mr. DINGLEY. And the balance of the appropriation has been covered into the Treasury, so it can not be used?

Commodore STEWART. It has been expended. It is the same with all these, for instance, now "provisions" right down below, \$4,000.

Mr. DINGLEY. They are all the same.

Commodore STEWART. On June 30, 1890, I had a balance to my credit in the Treasury of \$129,000 under "provisions" supposing it was enough to cover all liabilities which might be incurred abroad, but they were larger than we anticipated and therefore it gives a deficiency; it is something we can not control

STATEMENT OF LOUIS FERRELL, FIRST COMPTROLLER'S OFFICE.

The CHAIRMAN. Please explain the item for pay of special assistant attorneys, one for 1891, \$24,990.47, and one for 1890 of \$11,410.

Mr. FERRELL. These items are items allowed by the Attorney-General for special assistants to regular district attorneys for their services. I have some accounts here if you would like to see the nature of them; also in railroad cases, against mining companies, and for various services.

The CHAIRMAN. Is the Attorney-General authorized to employ these special assistants?

Mr. FERRELL. Yes, sir.

The CHAIRMAN. And have these accounts passed your office?

Mr. FERRELL. These accounts have passed our office and I have a statement here showing the number of the report, the name of the party and the amount paid.

The CHAIRMAN. Of each one?

Mr. FERRELL. Yes, sir; the number of the report, the name and the amount allowed by the Attorney-General. I will state in regard to employing these attorneys the Attorney-General has authority to fix the compensation. I have a case where the attorney charged \$17,500, and the Attorney-General allowed him \$1,750.

*Statement of deficiencies for "Pay of Special Assistant United States Attorneys,"
fiscal year 1890.*

Report No.	Name.	District.	Amount
125317.....	W. L. Crawford.....	Northern district Texas.....	\$950. 00
127526.....	D. W. Standrod.....	Idaho.....	200. 00
127565.....	Henry Rives.....	Nevada.....	800. 00
127823.....	J. E. McComb.....	Eastern district Texas.....	500. 00
127940.....	J. H. Call.....	Eastern California.....	5,300. 00
132103.....	J. E. McComb.....	Eastern Texas.....	1,000. 00
133063.....	D. L. Russell.....	Eastern North Carolina.....	200. 00
133048.....	Willard Kingsley.....	Western Michigan.....	800. 00
133212.....	H. Bisbee.....	Northern Florida.....	150. 00
133378.....	A. T. Watts.....	Northern Texas.....	100. 00
133359.....	E. C. Hughes.....	Washington.....	1,750. 00
133990.....	F. S. Stratton.....	Northern California.....	610. 00

1891.

127584.....	Henry Rives.....	Nevada.....	\$345. 00
129417.....	Will Haight.....	Northern Georgia.....	800. 00
129850.....	A. E. Thompson.....	Wisconsin.....	750. 00
130098.....	C. S. Whitman.....	Massachusetts.....	374. 61
130307.....	Charles H. Aldrich.....	Northern California.....	1,000. 00
131235.....	W. L. Crawford.....	Northern Texas.....	5,000. 00
132814.....	Calvert Wilson.....	Arizona.....	98. 00
132826.....	H. Bisbee.....	Northern Florida.....	400. 00
132827.....	J. R. Hallowell.....	Kansas.....	1,500. 00
132829.....	E. P. Axtell.....	Northern Florida.....	853. 70
133064.....	D. L. Russell.....	Eastern North Carolina.....	1,300. 00
133047.....	Willard Kingsley.....	Western Michigan.....	908. 50
132986.....	Wm. M. Lovell.....	Arizona.....	150. 00
133212.....	H. Bisbee.....	Northern Florida.....	850. 00
133264.....	E. C. Hughes.....	Northern Iowa.....	2,000. 00
133945.....	Geo. N. Baxter.....	Minnesota.....	1,000. 00
133981.....	A. T. Watts.....	Northern Texas.....	200. 09
133973.....	James Trimble.....	Middle Tennessee.....	250. 00
133982.....	Henry E. Asp.....	Oklahoma.....	750. 00
133960.....	E. C. Hughes.....	Washington.....	850. 00
133999.....	F. S. Stratton.....	Northern California.....	610. 00
133991.....	J. H. Call.....	Southern California.....	5,000. 00

The CHAIRMAN. All of these accounts which these two items are intended to cover have passed through the Attorney-General's Office, and also through your office, and they are in the nature of ascertained amounts?

Mr. FERRELL. They are practically a certified claim, what would be classed as a certified claim, and that statement I have given embraces every one, I think.

The CHAIRMAN. Turn to page 62, under the head of "Circuit court of appeals and court of private land claims."

Mr. FERRELL. I can only give a general suggestion in relation to that, as I have not the figures, as I did not know I would be called upon for this.

Mr. DINGLEY. Here is a communication from Acting Secretary Spaulding, under date of February the 15th, calling the attention of Congress to the salaries and expenses of the circuit court of appeals, stating that the appropriation will not be sufficient, etc. There has already been expended the sum of \$4,000, leaving a balance of \$15,487, and he states it will require \$42,935 to pay the salaries of judges, clerks, and marshals of the State courts. Now, here there seems to be \$5,000, and the query is whether that \$42,000 includes this \$5,000 or not. I wish you would just look through that communication and see whether the \$5,000 is included in that estimate?

Mr. FERRELL. I should say from my knowledge of the state of the appropriation that the \$5,000 was included in this estimate because the appropriation was exhausted about the 1st of April and this \$15,000 he reports to be on hand was finally exhausted about the 1st of April with the payment of the salaries. I think there were only paid one-third of the salaries for the month of April, and the expenses have been allowed to accumulate and are unpaid, but I should say the \$42,000 would be ample. What time was the estimate of \$5,000 made?

Mr. COURTS. It was made in this latter estimate by the Department of Justice.

Mr. DINGLEY. What we desire to know is whether that was additional to the previous estimate of \$42,000, or whether that \$5,000 is included in it?

Mr. FERRELL. My opinion would be—I could not state positively—that the \$5,000 would be included in this amount.

Mr. DINGLEY. Will you please examine into that matter on your return and send us a communication?

Mr. FERRELL. I would say our office would be unable to give any definite answer to that, because we know nothing officially until the accounts are presented to us for payment. The Attorney-General's Office could give more information on that point, but we can do the best we can to make up a statement.

Mr. DINGLEY. If you will examine the matter and send us the information desired in a letter, or such information as you have, we will be obliged.

Mr. FERRELL. I will do so.

Mr. DINGLEY. We also want information in reference to the Court of Private Land Claims.

Mr. FERRELL. We will address a communication covering both subjects.

Mr. DINGLEY. Now, in Ex. Doc. No. 201, on page 2, all items which are marked with an asterisk are figures which were made by the First Comptroller. What we want is to ascertain whether as a matter of fact deficiencies will be in each of these cases for the remainder of the fiscal year?

Mr. FERRELL. Of course, as to that particular item that is an estimate. We ascertain that by referring back to the deficiency for former years, and also by looking over the state of the appropriation at the time and figuring out what proportion of the accounts for this year have been presented and paid.

Mr. DINGLEY. Now, at this time, near the close of the fiscal year, you can not give it as an estimate except so far as the next two or three weeks are concerned, but can give the actual state of the accounts?

Mr. FERRELL. My recollection is the accounts for the third quarter of 1892 have probably been two-thirds paid, and there is no remainder of the appropriation to pay the balance of the third quarter.

Mr. DINGLEY. Will not you please in this communication cover all these cases?

Mr. FERRELL. Yes, sir.

Mr. DINGLEY. The asterisk indicate the items we want information upon.

Mr. FERRELL. Yes, sir.

Mr. DINGLEY. We want information covering all these cases; we would like to know the exact condition now.

Mr. FERRELL. There is an actual deficiency under that appropriation for fees and expenses of marshals of about \$125,000.

Mr. DINGLEY. State the facts in your communication as to the actual appropriation at the present time and then the estimate of what will be required to the 30th day of June.

Mr. FERRELL. Yes, sir; I do not know but what we have that statement in here somewhere.

Mr. DINGLEY. That was sent in some time ago, so it had to be largely an estimate.

Mr. FERRELL. On the fourth page of this document you will find the deficiency at the time this was made.

Mr. DINGLEY. But you can carry that now up to the present time; just extend the statement so as to cover up to the present time and then an additional estimate as to what will be required for the remainder of this fiscal year?

Mr. FERRELL. Yes, sir.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,

Washington, June 10, 1892.

SIR: In compliance with your verbal request to Mr. Ferrell of this office, who was before your committee yesterday, I have the honor to make the following statement showing actual deficiencies in appropriations for expenses of United States courts for the fiscal years 1890, 1891, and 1892, and in the appropriations for salaries, etc., United States circuit court of appeals and Court of Private Land Claims:

Appropriation.	Fiscal year.	Amount.
* Fees and expenses of marshals, United States courts	1890	\$1,000.00
Do	1891	175,201.07
Do	1892	181,499.55
Fees of district attorneys, United States courts	1890	1,916.27
Do	1891	47,894.90
Do	*1892	
Special compensation district attorney	1890	1,815.09
Do	1891	7,461.76
Do	1892	2,522.16
Pay of special assistant district attorneys	1890	11,410.00
Do	1891	24,990.47
Fees of clerks United States courts	1891	53,728.80
Do	†1892	
Fees of commissioners United States courts	1890	6,609.78
Do	1891	62,363.15
Do	1892	91,196.43
Support of prisoners, United States courts	1890	16,120.03
Do	1891	19,149.75
Do	1892	11,259.00
Pay of bailiffs, etc., United States courts	1891	17,924.60
Miscellaneous expenses, United States courts	1890	300.00
Do	1891	28,810.77
Do	1892	2,945.66
Rent of court rooms, United States courts	1891	20,825.45
Do	1892	14,063.67
Expenses Territorial courts in Utah	1890	750.00
Do	1891	11,541.42
Do	1892	15,179.97
Rent and incidental expenses offices of marshal, etc., Alaska	1890	304.05
Do	1892	667.27

*Accounts now in accounting offices will exhaust appropriation.

†Appropriation will be exhausted by accounts now in accounting offices.

There will be required to pay the salaries of judges, clerks, etc., of the United States circuit court of appeals for the remainder of the fiscal year 1892, \$25,380.50. There will also be required to pay the salaries of the judges, clerks, etc., of the Court of Private Land Claims for the same period, \$6,294.30. I have no means of ascertaining the amount which will probably be required to pay the expenses of the courts above mentioned. The honorable Attorney-General will, no doubt, be able to furnish the information.

I would state that the deficiencies above reported have been ascertained from the balances as they appear this day on accounts adjusted and in process of adjustment in the accounting offices.

It will be observed that while no deficiency is shown in the appropriations for fees of district attorneys and clerks of United States courts for the fiscal year 1892, that the appropriations will be exhausted by the accounts now in the accounting offices. There will be required to pay such fees an amount equal to a little more than one fourth of the respective appropriations.

Very respectfully,

A. C. MATTHEWS,
Comptroller.

Hon. J. D. SAYERS,
Chairman Subcommittee on Appropriations, House of Representatives.

STATEMENT OF EDWIN WILLITS, ASSISTANT SECRETARY OF AGRICULTURE.

Mr. DINGLEY. The first item under the head of the Department of Agriculture is "botanical investigation and experiments." What about that?

Mr. WILLITS. It is for transportation orders.

Mr. DINGLEY. These are adjusted accounts?

Mr. WILLITS. Yes, sir; but the trouble is that the railroad companies have delayed in sending them in.

Mr. DINGLEY. Those are all right?

Mr. WILLITS. Yes, sir.

Mr. DINGLEY. Now, the next item.

Mr. WILLITS. That was appropriated for, you know, in the last appropriation bill and by a mistake it was made payable to the estate of Eugene Schuyler, late consul-general, and there were two drafts out and there is no estate. There is no administration, and I will say I am responsible for the fact it was made payable to the estate. If you desire to have the facts I will give them to you. This does not reappropriate any money.

Mr. DINGLEY. This simply makes available money which was appropriated previously?

Mr. WILLITS. Yes, sir; the matter was investigated in the last Congress.

Mr. DINGLEY. I think that will be sufficient. Now, in regard to the next item.

Mr. WILLITS. The next two items are of the same character. Mr. Henry L. Thomas, turned out afterwards, was in the pay of the Government in the State Department. We desired to have some translating done, and it was given out without any knowledge that he was employed in the Department, and Maj. Fuller paid that item of \$62.52. The disbursing officer paid it without any knowledge that he was then in the employ of the Government, and when it was finally adjusted it was found he was on the roll there, and, under the ruling of the Treasury Department, it is a duplication of work. In regard to the other case, we did not pay it when the work was done, and I will state to you, "the disbursing clerk of the Department of Agriculture is hereby authorized to pay P. H. Van Diest \$288, in addition to his per diem pay, for services in the office of the United States surveyor-general at Denver, Colo., during the months of May and June, 1890, from the appropriation made April 4, 1890, for 'the location of artesian wells,' making a report relative to the existence, sources, and conditions of the artesian and underflow waters upon the central portions of the Great Plains region." Now, I simply wish to say this is the simple fact: We were told Mr. Van Diest had had a great deal of experience in Europe with the subject of irrigation, and he was reported to us as having lived, as he had, some years in Colorado, and his information would be of great value to us, and he made a monograph, which we received and published, and was worth the money fourfold, and it turned out he was in the pay of the Land Office Department. We retained the money; it was withheld to pay it, and it is being held. It is simply a question, because under the ruling he can not be paid. He worked out of hours, and he had not only general information, but it turned out he had special knowledge in regard to Colorado.

Mr. DINGLEY. The other case was precisely the same where the work was done out of office hours.

Mr. WILLITS. I think so.

Mr. DINGLEY. What about the next?

Mr. WILLITS. The next we know nothing about except that it comes from the Treasury Department, and is all for transportation orders.

Mr. DINGLEY. Adjusted?

Mr. WILLITS. They are adjusted, and are all right.

Mr. DINGLEY. What about the item for "experiments in the manufacture of sugar"?

Mr. WILLITS. That is the same thing. They are all adjusted, and from the fact when they come to make the final accounts they charged up and found it was for transportation orders and money had not been covered into the Treasury. It was delayed. Notwithstanding our instructions to our agents to make a memorandum and notify us what they had paid for transportation, they sometimes did not do it.

STATEMENT OF HON. L. M. MILLER, A REPRESENTATIVE FROM THE STATE OF WISCONSIN.

Mr. MILLER then addressed the committee. He said:

Mr. Chairman and gentlemen of the committee, this matter of the overflow of the Fox and Wisconsin River I do not know whether is fully understood by this committee or not.

Mr. DINGLEY. You have papers which cover this case which you can leave with the committee.

Mr. MILLER. Yes, sir. In 1846 the General Government made an appropriation of land for the purpose of creating water communication between the Mississippi and Lake Michigan. The understanding then was that the States should accept the grant and make this improvement. The State went on and carried on the work under a board of public works, and in 1853 it was ascertained that there was not sufficient funds to carry on the improvement to completion, and at that time I was on the board of public works and also a member of the legislature, and I recommended the sale of it because there was a provision in our constitution which forbid us from incurring any liabilities for internal improvements, and that passed into the hands of a company, they guaranteeing the completion of this work. Afterwards it was transferred to another company, composed of Governor Seymour and other capitalists East, and they carried it on until 1870, when the Government purchased it, and then they carried on this work. Well, in order to create this water communication it became necessary to build dams, especially at the outlet of Lake Winnebago, which is about 40 miles long and about 10 miles wide, and the ground around it, especially on the west side, is low, and very low land up the river, where there is very little current.

The Wolf River is the largest river there, and then there is the Fox River and the Wisconsin River. These banks are quite low, and at the outlet of Lake Winnebago it became necessary to build a dam, and in erecting that dam it overflowed quite a large extent of country and the land was quite valuable land, it being good hay land, it was just about moist enough to make it good hay land, and the settlers felt it to be a great loss and they brought a suit, one of them did, along about 1870, and it was carried to the United States court, and in here [referring to papers] is a decision by Justice Field, in which he held that the Government was liable for the flooding of this land. There is also a question raised as to the legality of the award made by the commissioners appointed by the State, and that question is settled. There were about 150 claimants. They ask small amounts, in the aggregate \$109,000, I think.

Mr. DINGLEY. We have that document here.

Mr. MILLER. Yes, sir. I do not know that it is necessary for me to state anything further in regard to that.

Mr. DINGLEY. Whatever is covered by this communication of the Attorney-General you need not repeat, and if there are any other additional facts you may state them.

Mr. O'NEIL. Are these court awards?

Mr. MILLER. Yes, sir. They tried this case—in the first place there was one tried and it was carried to the Supreme Court, and here is the opinion by Justice Field.

Mr. O'NEIL. These awards were made in 1891?

Mr. MILLER. Yes, sir; I think so. There is no doubt but that these people should have their pay. They are mostly poor people, and they have suffered, and it has been delayed for a long while. It took a great while for the commissioner to go around and examine the property, and the consequence is they have been delayed from getting their damages.

Mr. O'NEIL. If you will leave that with us we will look into it.

Mr. MILLER. I think there is no necessity for me to say anything more. It is a matter that some of the members of this committee are familiar with anyway.

Mr. DINGLEY. Will you please leave that statement you have with us.

Mr. MILLER. Yes, sir.

STATEMENT OF F. J. KIECKHOEFER, STATE DEPARTMENT.

The CHAIRMAN. Here is an item for "payment to the estate of Alexander Clark."

Mr. KIECKHOEFER. We did not recommend that. That is something that Governor McCreary of Kentucky started, or I do not know who it was started it.

The CHAIRMAN. That was not recommended by the State Department.

Mr. KIECKHOEFER. No, sir.

The CHAIRMAN. The next item is "salaries chargé d'affaires ad interim; to pay amount due by the accounting officers on account of salaries chargé d'affaires ad interim for the fiscal year 1891, \$5,505.31."

Mr. KIECKHOEFER. I have got the items here showing exactly what secreta-

ries of legations acted as charges during the present year, and the rate at which they were paid. They were entitled to this compensation under the operation of the law, which gives them half the minister's pay while acting as chargés. They are entitled to act as chargés when the minister is absent from his post.

The CHAIRMAN. The next item is "salaries, consular service; to pay amounts found due by the accounting officers on account of salaries, consular service, for the fiscal year 1890, \$1,401.67." Is this a similar item?

Mr. KIECKHOEFER. Similar, but it is not exactly the same. That was something that the Treasury Department put in, some account which came in after the other account was settled for the year. It is for an adjustment of accounts there. They paid them out of the fees and wanted to reimburse that fee account out of the appropriation. These are all adjusted accounts by the First Comptroller.

The CHAIRMAN. The next item is "salaries consular officers not citizens."

Mr. KIECKHOEFER. That is a matter you know about. We have got exactly what that is.

Dr. ST. CLAIR. That matter was explained, but you wanted to know at what place and the amounts paid to various officers. That is all in there and I can name all of them.

The CHAIRMAN. Well, the item for 1890, is the same as for 1891?

Mr. KIECKHOEFER. Yes, sir. When we pay this out we do not use the regular appropriation for salaries. These officers are foreigners and can not be paid out of the regular appropriation for salaries. These officers are foreigners and can not be paid out of the regular appropriations for salaries because they are aliens.

Mr. O'NEIL. We have got that.

The CHAIRMAN. Now, turn to the bottom of page 3, under the head of "contingent expenses United States consulates." I think we have an itemized statement.

Mr. KIECKHOEFER. No, sir, I started to make that and I wanted to know whether you wanted it in this shape. It is a tremendous amount of work [exhibiting a sheet].

The CHAIRMAN. Mr. Courts can advise you about that.

Mr. KIECKHOEFER. I got it started in that shape. This states the different items which go to make up these contingent expenses. I have to make a digest of this book, and it requires a good deal of figuring, because we have got the quarters, and we have to separate the different items and get balances, etc. It is a good deal of work, but it ought to be done, for the committee ought to know just how these things go. It looks like a big deficiency, but Dr. St. Clair can explain why it is larger this year than 1890.

The CHAIRMAN. For 1890 it was only \$1,425.74.

Mr. KIECKHOEFER. Dr. St. Clair can give you a general idea, and I will give you a detailed statement.

The CHAIRMAN. You can take this to Mr. Courts and he will instruct you how to make out this statement for the use of the committee.

Mr. KIECKHOEFER. Then there was \$19,000 allowed for messenger service which had not been allowed in 1890, and that would account for nearly half of the increase right there.

The CHAIRMAN. This is the first year you have had this for messenger service?

Mr. KIECKHOEFER. Yes, sir.

The CHAIRMAN. You never had an allowance for messenger service a previous year?

Mr. KIECKHOEFER. Yes, sir; but only \$400 or \$500 altogether, and this is a matter of \$19,000. There has been some additional things put to that, and it may go to \$20,000 instead of \$19,000, but that was as near as we could get it.

The CHAIRMAN. If it meets with the approval of the committee I would suggest that these gentlemen consult with Mr. Courts and arrange a tabular statement according to his ideas, so that we may obtain the information in the desired form.

Mr. DINGLEY. One word about the messenger service; I desire to know if there has been an allowance before 1890 for messenger service?

Dr. ST. CLAIR. None provided for by law.

Mr. DINGLEY. There have been no allowances for messenger service up to 1890, as I understand you.

Dr. ST. CLAIR. Yes, sir; this is a new item introduced in the list of objects for which the contingent appropriation had to be extended.

The CHAIRMAN. Then this is a new charge for the fiscal year 1891?

Dr. ST. CLAIR. Yes, sir.

Mr. DINGLEY. But you say there have been some allowances for messenger service previous to this time, but not to a great extent?

Dr. ST. CLAIR. No, sir.

Mr. DINGLEY. So this messenger service adds about \$20,000 a year.

Dr. ST. CLAIR. That is a really a substitution for clerk hire.

Mr. DINGLEY. So it is really not an increase in expenditure?

Dr. ST. CLAIR. Oh, yes, it is; it is a great increase of expenditure.

Mr. DINGLEY. I did not know but what its being a substitute for clerk hire you may have received it previously for clerks?

Dr. ST. CLAIR. No, sir; this is for employment of a very large additional force.

Mr. DINGLEY. What has been the necessity since 1890 to have these messengers?

Dr. ST. CLAIR. The necessity is growing all the time.

Mr. DINGLEY. How did you get along before 1890 without messengers?

Dr. ST. CLAIR. They did not do this kind of work. I brought these up to show you [exhibiting a lot of circulars]. It is worth while for you to see those so as to know what we call on our Congress to do, and the absolute necessity of having additional help. We are sending these circulars out at least on an average of three a month, and you see they are all different. If we do not have this help we have simply got to stop supplying the information to the United States. We have got to have the money to pay for the collections and doing the class of work.

Mr. DINGLEY. That is covered by the messenger service?

Dr. ST. CLAIR. Yes, sir.

The CHAIRMAN. Your appropriations for clerk hire have not been decreased?

Dr. ST. CLAIR. No, sir; they have been increased, and I will say still we are deficient.

The CHAIRMAN. Your appropriations for 1891 for clerks were increased, and this new provision for messenger service was made?

Dr. ST. CLAIR. Yes, sir; this is borne on the contingent fund.

Mr. O'NEIL. These messengers have been appointed for the purpose of collecting this information, and that would make the increased expenses; it is intended to keep these messengers on all the time, collecting this information?

Dr. ST. CLAIR. Yes, sir, that is the idea. The service is increasing in number and in usefulness. Since 1892 there has been this number of new offices created. There are 60 new consular agencies. The least estimate we can possibly outfit an agency for is \$75, and that would make \$4,500 for those. In regard to the growth of the service in 1884, we had 768 consular officers; in 1888 we had 794; and at present we have 827. From 1884 to 1888 the increase was 26 offices, and from 1888 to 1892 the increase has been 32 offices.

Mr. O'NEIL. Has the collecting of the information been authorized by law?

Dr. ST. CLAIR. Oh, yes, sir. There is a provision of the law that requires every consular officer to make a report (I am referring to the Department of Agriculture now) as often as once a month, as to the condition of agriculture and the manufacturing interests in his locality. As a matter of fact it is simply impossible, and he can not do it; but he does as much of it as he can.

GENERAL DEFICIENCY BILL.

69

Chargé, year ending June 30, 1891.

Country.	Name.	Period.	Rate.	Amount.	Total.
Austria	Chew, J. J.	July to Aug. 31, 1890	\$6,000.00	\$978.26	
Do	do	Mar. 18 to Apr. 19, 1891	6,000.00	546.52	
Do	do	Apr. 24 to 30, 1891	6,000.00	115.38	
Argentine Republic	Fishback, G. W.	Dec. 5, 1890, to Jan. 24, 1891.	5,000.00	700.18	\$1,640.16
Brazil	Lee, J. F.	July 1 to Dec. 19, 1890	6,000.00	2,804.53	700.18
Guatemala	Kimberly, S.	January and February, 1891.	5,000.00	819.40	2,804.53
Korea	Allen, H. N.	Aug. 19 to 25, 1890	3,750.00	71.33	819.40
Do	do	Apr. 30 to June 20, 1891	3,750.00	535.60	
Colombia	Walker, J. G.	July 1 to 10, 1890	5,000.00	135.87	606.98
Do	Smith, E. W. P.	May and June, 1891	5,000.00	837.90	
France	Vignaud, H.	Nov. 21 to Dec. 31, 1890	8,750.00	974.86	978.77
Germany	Coleman, C.	Sept. 13 to 30, 1890	8,750.00	427.99	947.86
Do	do	Oct. 1 to Dec. 18, 1890	8,750.00	1,878.39	
Great Britain	McCormick, R. G.	Oct. 30, 1890	8,750.00	23.77	2,806.38
Do	White, H. Y.	Oct. 31 to Dec. 31, 1890	8,750.00	1,474.17	
Do	do	Jan. 1 to 15, 1891	8,750.00	364.58	
Italy	Dougherty, C. A.	July 17 to Sept. 16, 1890	6,000.00	994.56	1,862.58
Do	Whitehouse, H. R.	June 5 to 30, 1891	6,000.00	428.57	
Japan	Dun, E.	Mar. 11 to June 30, 1891	6,000.00	1,850.00	1,423.13
Mexico	Dougherty, C. A.	Month of December, 1890	6,000.00	505.43	1,850.00
Do	do	Jan. 1 to Feb. 2, 1891	6,000.00	550.03	
Peru	Neill, R. R.	Third year, 1890	5,000.00	1,250.00	1,055.46
Do	do	Month of October, 1890	5,000.00	421.20	
Do	do	One day in November, 1890.	5,000.00	13.59	
Russia	Wurts, G. W.	July 13 to Sept. 10, 1890	8,750.00	1,426.62	1,664.79
Do	do	Apr. 24 to June 30, 1891	8,750.00	1,634.61	
Spain	Newberry, H. R.	Third quarter, 1890	6,000.00	1,500.00	3,061.23
Do	do	Oct. 1 to Dec. 23, 1890	6,000.00	1,389.60	
Turkey	MacNutt, F.	July 1 to Sept. 10, 1890	5,000.00	978.27	2,869.60
Do	do	June 22 to 30, 1891	5,000.00	123.63	
Venezuela	Bartleman, R. M.	July 17 to Sept. 30, 1890	3,750.00	1,774.45	1,101.90
Do	do	Oct. 1 to 9, 1890	3,750.00	91.71	
Total					1,866.16
					27,601.00

[* Indicates increase of salary and increase of rent. + Change from fees to salary and give rent. † Time of creation of office, 1892. § New office requiring outfit of furniture, etc.]

Place.	Salary.	Rent.
Aix la Chapelle, Germany*	\$2,500	8500
Apia, Samoa*	3,000	600
Bamberg, Germany†		
Baracoa, Cuba§	2,000	400
Barmen, Germany*	3,000	600
Basle, Switzerland*	3,000	600
Batoum, Russia§		
Boma, Kongo State§	5,000	
Bordeaux, France*	3,000	600
Cardenas, Cuba†	1,500	300
Castellammare, Italy†	1,500	300
Catania, Sicily†	1,500	300
Chemnitz, Germany*	2,500	500
Coaticook, Quebec†	1,500	300
Denia, Spain†	1,500	300
Erfurt, Germany†		
Fürth, Germany§		
Glauchau, Germany†		
Göteborg, Sweden†	1,500	300
Havre, France*	3,500	700
Huddersfield, England§	2,500	500
Lindsay, Ontario†		
Madrid, Spain†		
Magdeburg, Germany	2,000	400
Merida, Mexico*	1,500	300
Mexico City*	4,000	800
Montevideo, Uruguay*	3,000	600
Morrisburg, Ontario†	1,500	300
Nogales, Mexico†	1,500	300
Nuevo Laredo, Mexico*	2,500	500
Paso del Norte, Mexico*	2,500	500
Piedras Negras, Mexico*	2,000	400
Plauen, Germany§		
Ponape, Caroline Islands†	1,500	300
Reichenberg, Austria†	2,500	500
Riga, Russia§		
Roubaix, France§		
Sault Ste. Marie, Canada†		
Seoul, Korea†	7,500	1,500
Stockholm, Sweden*	1,500	300
Stuttgart, Germany*	2,000	400
Swansea, Wales†		
Vancouver, British Columbia§		
Vienna, Austria*	3,500	700
Wallaceburg, Ontario†	1,500	300
Waubushene, Ontario§		
Woodstock, New Brunswick†	1,500	300
Yarmouth, Nova Scotia†	1,500	300

Consular agencies established 1889-'92.

Aarau, Switzerland.	Macassar, Java.
Abo, Finland.	Mayaguez, Porto Rico.
Angers, France.	Megantic, Quebec.
Angora, Turkey.	Monterey, Mexico.
Assouan, Egypt.	Neustadt, Germany.
Bahia Blanca, Argentine Republic.	Ocoz, Guatemala.
Barrie, Ontario.	Oshawa, Ontario.
Bloemfontein, Africa.	Parry Sound, Ontario.
Carleton Place, Ontario.	Perigueux, France.
Cassel, Germany.	Port Arthur, British North America.
Caudry, France.	Port Maria, West Indies.
Ceiba, Honduras.	St. Louis, Africa.
Ciudad Porfirio Diaz, Mexico.	St. Marc, Haiti.
Clinton, Ontario.	San Felin de Guixola, Spain.
Coburg, Germany.	Scarborough, West Indies.
Cookshire, Quebec.	Sierra Mojada, Mexico.
Deloraine, British North America.	Sohag, Egypt.
Dijon, France.	Sorel, Quebec.
Durban, Africa.	Toreon, Mexico.
Eibenstock, Germany.	Troon, Scotland.
Esmeraldas, Ecuador.	Troyes, France.
Flensburg, Germany.	Union, British Columbia.
Grenada, West Indies.	Valleyfield, Quebec.
Grenoble, France.	Verviers, Belgium.
Guadalajara, Mexico.	Victoria, Brazil.
Guben, Germany.	Victoria, Mexico.
Haida, Austria.	Wiarion, Ontario.
Johannesberg, Africa.	Wingham, Ontario.
Kimberley, Africa.	Winterthur, Switzerland.
Lithbridge, British North America.	Zittau, Germany.

STATEMENT OF ROBERT KARRON, OF THE FOURTH AUDITOR'S OFFICE.

The CHAIRMAN. In Ex. Doc. No. 191 I see you have a list of claims reported by the Fourth Auditor and Second Comptroller under section 2, act of July 2, 1884. Now, we want to know if you can designate of these claims which ones are for pay that accrued more than six years prior to the institution of the test case in the Court of Claims.

Mr. KARRON. You refer, I presume to claims for service on practice and school ships.

The CHAIRMAN. And receiving ships.

Mr. KARRON. That is a separate heading on that list there for receiving ships. I have got a list—

The CHAIRMAN. Have you got a list of the first two?

Mr. KARRON. There is a list that were allowed for school and practice ships [handing same]. Here is a condensed statement that will probably enable you to understand it more fully:

School and training ships.

Names.	Total.	Pay.	Rate.
George Fouse	\$508.65	\$372.57	\$136.08
N. H. Farquhar	1,173.26	1,010.96	162.30
T. W. Bonsall	1,339.33	952.33	387.00
J. A. Greer	24.66	24.66
Sam'l Gee	760.54	760.54
H. L. Howison	1,246.19	985.49	260.70
Jas. Hill	253.70	253.70
W. H. Jones	394.52	394.52
Wm. Jones	15.09	11.16	4.03
L. M. Melcher	3,147.07	2,450.33	599.21
Chas. Murphy	2,172.65	2,172.65	363.60
R. Robinson	1,329.12	1,329.12	438.56
H. B. Robinson	426.04	426.04
H. B. Rodney	135.88	71.05	64.83
H. T. Stocker	328.20	240.45	87.75
Wm. G. Smith	3,182.06	2,443.70	683.61
		13,899.17	3,187.67

Mr. HENDERSON. Give us the nature of these claims fully.

Mr. KARRON. For the practice-ships and school-ships.

Mr. HENDERSON. Take those first named.

Mr. KARRON. They are of miscellaneous character, to pay balances due officers and enlisted men for services where appropriations have been exhausted or turned into the Treasury.

Mr. HENDERSON. They are for pay?

Mr. KARRON. All for pay; yes, sir; and Congress passed a law on the 14th of August, 1888, authorizing the Secretary of the Navy to issue discharges in certain cases where men were marked as deserters. There are a good many claims of that character embraced in that lot—sailors who were marked as deserters when Congress authorized the Secretary to give them a discharge and in cases where he did give a discharge to them—they were to have pay and bounty which had accrued at the time they were marked deserters.

Mr. HENDERSON. Is there any statute of limitation in regard to this?

Mr. KARRON. No, sir.

The CHAIRMAN. Now, we want to be informed as to the result of the decision of the Supreme Court in reference to the allowances for officers on school, training, and receiving ships.

Mr. KARRON. You will find these school-ships have never been before the Supreme Court, but that court decided in the case of Lieut. Strong that the service was sea service within the meaning of the law, that it was not necessary—that sea service did not mean that the officer must be on the high seas, but where he was employed on a vessel on an arm of the sea or—

Mr. HENDERSON. As on a training ship?

Mr. KARRON. And receiving ship.

The CHAIRMAN. Has your office construed this decision as applying to school, training, and receiving ships also? What I want is for you to explain fully the decision of the Supreme Court and its effect upon it as pertains to the ruling of your office, and also as to the increased expenditures resulting from it?

Mr. KARRON. The Supreme Court decided in the case of Lieut. Strong, who was an officer on a receiving ship, that he was on sea duty within the meaning of the law: that he had to wear his uniform, he had to eat and sleep on the ship, and was subject to the same regulations and discipline that he would have been had he been on a regular cruising vessel. The court held it was sea service within the meaning of the law.

Mr. HENDERSON. When was that decision rendered?

Mr. KARRON. I think it was in about 1885 or 1886; I think I took a memorandum here.

Mr. HENDERSON. That is near enough.

Mr. KARRON. The case of Strong is found in 125 U. S. Reports, page 656, and the case of Symonds is found in 120 U. S. Reports, page 46.

The CHAIRMAN. Now, you may go along and explain with reference to each one of the ships, and then we can ask you questions.

Mr. KARRON. These are the only two cases that have been before the Supreme Court, and the circumstances under which officers were allowed to receive pay apply only to those on the school-ships and practice ships, and the Auditor examining that took the ground that an officer on duty on a receiving ship was equally entitled because he had to eat and sleep on board and wear his uniform and was not permitted by the regulations of the service to live on shore, and therefore he took the ground that he was also entitled to sea pay. The accounts of Commodore Farquhar were submitted to the Comptroller for decision (the Auditor not being empowered to decide those questions he has to receive and examine all the claims relating to them and then submits them to the Second Comptroller for final decision). He sent the claim of Commodore Farquhar to the Comptroller, and after being retained some time over here he allowed it. He then wrote to the Auditor to return a claim of similar character he had disallowed, saying that having decided to allow Commodore Farquhar's claim he asked him to return that claim in order that the claimant might have a rehearing.

The CHAIRMAN. I understand the ruling of the Fourth Auditor's Office puts school, training, and receiving ships upon the same footing?

Mr. KARRON. Yes, sir; where the facts appear they were similar to those of the receiving ships; where the officer certifies he was on a ship and had to eat, sleep, and wear his uniform, and all those things.

The CHAIRMAN. That is, where the same facts exist your office has held that that law applied equally to school, training, and receiving ships?

Mr. KARRON. Yes, sir.

The CHAIRMAN. Now, we desire to call your attention to the provision in the general deficiency bill of the last session of the Fifty-first Congress, which is this: "For pay of the Navy, certified claims reported to Congress, in Executive Document No. 144, Fifty-first Congress, first session, for difference between sea and shore duty pay on receiving ships which accrued after July 16, 1880, \$11,-858.84." Now, for what purpose was that provision put in there?

Mr. KARRON. It is substantially the same provision that was inserted in the Senate at the last session of the Fiftieth Congress, and apparently done for the reason that the jurisdiction of the Court of Claims over cases was limited to six years.

The CHAIRMAN. That is a claim which accrued prior to the filing of the suit.

Mr. KARRON. Yes, sir. Now, Lieut. Strong's case was filed on the 17th of July, 1886, and according to that proviso Congress would not have appropriated anything prior to the 17th of July, 1880, because that was within the six-year limit. Now, if the committee want to insert a similar one for the pay for school ships and practice ships, they can appropriate the money as we have reported the amounts and then put a proviso similar to that, that no portion of this money shall be used for the payment of any claim for services on school and practice ships that accrued prior to the 17th of July, 1880, and then you will accomplish the object if the committee propose to put that limitation on it.

The CHAIRMAN. Is there any reason why a limitation should not be put upon such claims as well as upon receiving ships?

Mr. KARRON. That is a matter I could hardly judge. There is no statute of limitation applicable to the accounts of an officer of the Navy and his accounts are always open to revision. If we found a man owed the Government even twenty years after and we had a case coming up where we had to settle with him, we would go back and charge him with the indebtedness; but, of course, I have no knowledge what was in the mind of the Senator who introduced the proviso which led to its passage.

The CHAIRMAN. How many claims which appear on this list would be left out if such a proviso was put in.

Mr. KARRON. For the school ships? I have got a calculation here.

The CHAIRMAN. Will you be able to furnish the number?

Mr. KARRON. I will give it to you now. In that list we have sent up \$37,651.60 as allowed for those claims. Now, from that if you deduct the amount that accrued prior to July 17, 1880—

The CHAIRMAN. That is applying this provision?

Mr. KARRON. Applying this provision, you take out of that \$37,000 \$13,899.17, which would leave a balance to be appropriated of \$23,752.43.

The CHAIRMAN. Does it apply to any other case?

Mr. KARRON. There is the Strong decision. I can give you the amount required to pay them.

The CHAIRMAN. We want to apply this provision that was inserted upon the deficiency bill by the Senate at the second session of the Fiftieth Congress and also at the first and second sessions of the Fifty-first Congress.

Mr. KARRON. It only affects the receiving-ship cases because the other cases are very few. I believe that document contains all that have any claim under that law. Congress has paid the others. They are not affected by those cases, as they do not accrue more than six years prior to July 17, 1880. Would you like to have that for the receiving ships?

The CHAIRMAN. Yes, sir.

Mr. KARRON. The whole amount we allowed there for receiving ships is \$10,-624.99, and of that amount \$9,265 accrued prior to July 17, 1880, and deducting that it would leave a balance of \$1,359.99 to be appropriated.

The whole amount, allowing for rations due for services on training and school ships, is \$7,283.93, of which \$3,187.67 accruing prior to July 17, 1880, leaving \$4,096.26 to be appropriated.

STATEMENT OF GEORGE H. FRENCH, OF THE SECOND COMPTROLLER'S OFFICE.

The CHAIRMAN. You have heard the questions propounded to this gentleman.

Mr. FRENCH. Yes, sir.

The CHAIRMAN. Now, will you give us a brief statement of the action of the Comptroller's office upon such claims?

Mr. FRENCH. I will just say this. Here is an investigation that has gone into

the whole thing from the commencement of the order of 1853 down to the last session of Congress. It takes the whole history and was an investigation by the committee here of the Second Comptroller, the Fourth Auditor, and myself, and it goes into complete details showing not only the evidence in the matter, but the appropriation, how much appropriated, and how much had been paid as near as was possible to get by examination of the books without an examination of each individual account.

The CHAIRMAN. Gentlemen, if you have no objection, I will have incorporated in our hearing this hearing had before Gen. Henderson.

Mr. FRENCH. This is the report No. 2772, general deficiency bill, first session, Fifty-first Congress.

The CHAIRMAN. You have nothing additional to add to this?

Mr. FRENCH. No, sir; that covers the whole subject.

There is one other thing I would state. I noticed in the examination of Mr. Karron you propose to put in that proviso limiting it to six years. Now, after this first clause on page 31, commencing with that class of claims, I would suggest you add in also a proviso in case some of these amounts may be overlooked. After you pass an appropriation bill it goes to the Comptroller, the Auditor does not have it, and you—

The CHAIRMAN. I understand what you want is a provision to enable the Comptroller to adjust these claims with reference to the six years' limitation?

Mr. FRENCH. Yes, sir. Now, you want to carry that also into the allowances for provisions; they are affected the same way; they commenced in 1851 and ran down to 1874, and you want to put a limitation to that.

The CHAIRMAN. That is in regard to provisions?

Mr. FRENCH. Yes, sir.

The CHAIRMAN. How does it affect provisions?

Mr. FRENCH. These men would not get the provisions.

The CHAIRMAN. And you would suggest a similar provision to be inserted as regards provisions as well as pay?

Mr. FRENCH. Yes, sir. You will find it was put in the last session in 26 Stat., p. 544.

The CHAIRMAN. At the suggestion of the clerk I wish you would prepare and send to the committee a provision which will apply to these three classes of ships.

Mr. FRENCH. Which would cover all of them; it does not make any difference; it has been allowed under this decision of the Supreme Court in the Strong case, Symonds, and Bishop, and it will cover—

The CHAIRMAN. I wish you would prepare a general provision applying as well to provisions as to pay.

Mr. FRENCH. We have prepared it and it is in the last appropriation act, and if you will give me 26 Stats.—

The CHAIRMAN. We have not time to go into that now, but you can send it to Mr. Courts.

Mr. FRENCH. I will do that.

The CHAIRMAN. And then another provision which will prevent accounting officers from entertaining any claim which accrued six years prior.

Mr. FRENCH. Those three provisions, the first provisions, then pay, and statute of limitations,

The CHAIRMAN. That is what we want. I want those three provisions to submit to the committee when we go into executive session.

Mr. FRENCH. Very well.

TREASURY DEPARTMENT,
OFFICE OF THE SECOND COMPTROLLER,
Washington, D. C., June 10, 1892.

SIR: In compliance with your verbal request, I have the honor to inclose herewith three provisions to be inserted in the deficiency appropriation bill under "Pay of the Navy," certified claims, allowed by the Fourth Auditor and Second Comptroller. If they are incorporated in the appropriation bill it will prevent the payment of any claims to officers or their heirs for sea pay on receiving, training, or receiving ships which have been allowed under the decisions of the Supreme Court in the cases of Symonds and Bishop, 120 U. S. R., 46, and Strong, 125 U. S. R., 656.

My object in sending you the three provisions is because under "Pay of the Navy," certified claims, at page 31, and including page 35, Ex. Doc. 199, Fifty-second Congress, first session, there are several claims for sea pay on practice

ships at the Naval Academy allowed under the decision of the Supreme Court in the cases above referred to, and if it is the intention of the committee not to allow any of those claims which accrued prior to July 16, 1880, then this class of claims should be treated in the same manner as those on page 35, allowed under the Strong decision. The proviso should also be inserted in "Provisions, Navy," certified claims, commencing with No. 53, on page 37, and extending down to No. 173, on page 38 of said document.

By an act of August 14, 1888 (25 Stat., 422), the Secretary of the Navy was authorized to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion. After the charges of desertion were removed the men presented their application for the balance due and unpaid at the time they were reported as deserters. This, in a large measure, accounts for the \$37,651.60, and if the proviso is inserted in the bill it will not affect this class of claims, but will prevent the payment of those claims for sea pay to officers serving on receiving, training, and practice ships.

I also inclose, as requested, a proviso which, if adopted, will prevent the accounting officers from considering any of that class of claims for sea pay which have heretofore been allowed under the decisions of the Supreme Court, which accrued prior to July 16, 1880.

A full history of receiving ship claims will be found in the report of the Committee on Appropriations, No. 2772, Fifty-first Congress, first session, commencing on page 23, to which I respectfully invite your attention.

Very respectfully,

E. W. HARTSHORN,
Acting Comptroller.

Hon. JOSEPH D. SAYERS,
Committee on Appropriations, House of Representatives.

Pay of the Navy—Certified claims.

Reported by the Fourth Auditor and Second Comptroller, commencing with No. 8, page 31, and including No. 165, page 35, House Ex. Doc. 199, Fifty-second Congress, first session, amounting to \$37,651.60. *Provided*, That no part of this sum shall be used for the payment of any claim for sea pay on receiving, training, or practice ships, or for the payment of any claim which may have been allowed under the decisions of the Supreme Court which have been adopted by the accounting officers as a basis for the allowance of said claims, which accrued prior to July 16, 1880.

Pay of the Navy—Certified claims.

Sea pay on receiving ships allowed under the decision of the Supreme Court in the case of Strong. Reported by the Fourth Auditor and Second Comptroller, commencing with No. 110, p. 35, and including No. 173, p. 36, Ex. Doc. 199, Fifty-second Congress, first session, amounting to \$10,624.99. *Provided*, That no part of this sum shall be used for the payment of any claim for sea pay on receiving, training, or practice ships, or for the payment of any claim which may have been allowed under the decisions of the Supreme Court which have been adopted by the accounting officers as a basis for the allowance of said claims, which accrued prior to July 16, 1880.

Provisions of the Navy—Certified claims.

Reported by the Fourth Auditor and Second Comptroller, commencing with No. 53, page 37, and including No. 173, page 38, Ex. Doc. 199, Fifty-second Congress, first session, amounting to \$7,283.93. *Provided*, That no part of this sum shall be used for the payment of any claim for provisions of the Navy on receiving, training, or practice ships, or for the payment of any claim which may have been allowed under the decisions of the Supreme Court, which have been adopted by the accounting officers as a basis for the allowance of said claims, which accrued prior to July 16, 1880.

That, hereafter the accounting officers of the Treasury shall not receive, examine, consider or allow any claim against the United States for sea pay or commutation of rations which has been or may be presented by officers of the Navy, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been adopted as a basis for the allowance of such claims, which accrued prior to July 16, 1880.

Thereupon the committee adjourned to meet at 10 a. m. Friday, June 10, 1892.

FRIDAY, June 10, 1892.

**STATEMENT OF JOHN H. WHITE, OFFICIAL REPORTER OF DEBATES
HOUSE OF REPRESENTATIVES.**

The CHAIRMAN. You may make any statement you desire in reference to this reimbursement of expenditures of official reporters of debates.

Mr. WHITE. We simply desire to be reimbursed for our actual expenses, or at least a portion of them, which we have incurred by reason of the employment of clerical help, rendered absolutely necessary to get the House proceedings out in time for the Printing Office.

The CHAIRMAN. How many reporters are there?

Mr. WHITE. There are five official reporters of debates for the House.

The CHAIRMAN. What is the salary?

Mr. WHITE. Five thousand dollars a year.

The CHAIRMAN. And out of that \$5,000 a year what expenses do you incur?

Mr. WHITE. We claim that we ought not to be required to incur any, but in order to get out the debates not only in time for the Printing Office, so as to avoid delay there, but to permit members to revise speeches before publication, owing to the enormous increase of the work, we are now compelled to employ two assistants each, or ten in all, to whom we dictate all reported matter and who make type-writer transcript of the same. The cost for this service to each reporter is about the same. Some pay their assistants by the week, some by the session; but the ordinary practice is by the column of the Record, \$1 per column being the usual rate. The average cost of a daily session for each reporter is from \$6 to \$8.

Up to the present time during this session I have paid out near \$1,200 for such services. What this expense will be before this Congress ends is beyond all human calculation. Certain it is that when our salaries were fixed in 1873, when the work, as I shall show, was less than half of what it is now, it was not expected or intended that we should pay for such clerical services. But no provision has ever been made to compensate us except in part; and since the more work we do the less pay we receive, notwithstanding the exceedingly difficult and trying character of our work, we feel authorized and justified in asking the committee to consider at this time the propriety of making at least the partial reimbursement for this extra expense (and we are asking no compensation for extra work) which was allowed in the last and the preceding Congress. Our work is well recognized as being the most trying mental work that man can engage in; and the fact that since the Record was established to take the place of the Globe, in the Forty-third Congress, four out of the original five reporters have died, is an indication that the mental, nervous strain must be excessive—each one of the four having died, if I am correctly informed, from some nervous disorder.

But I ask the attention of the committee to the following facts: The reporting of the debates up to the Forty-third Congress was under the contract system. The Congressional Globe was published at 12 o'clock on the day following the debates. The contractors did not undertake to furnish the matter in print the next morning, as at present. The Record is now published between 4 and 6 o'clock every morning, no matter how late the session may be prolonged. I do not remember any time when it has been delayed, except where the House was in session all night, and then all matter is published up to the hour when the Record must go to press.

The contract allowed the Globe to be printed in daily installments of fifty columns, and therefore it was not uncommon for the publication to be three or four days behind. The Record of this Congress averages about eighty columns per day, and as two columns of the Record equal three of the Globe the daily matter now furnished by the same force that was employed on the Globe is equal to one hundred and twenty columns of the Globe, and yet the publication of the proceedings has never been delayed a single day. It will be seen that the work when done under contract was very small in comparison to its present bulk. In the Forty-third Congress the total number of pages, exclusive of index, was 7,728. While the Record of the Fifty-first Congress, not including index, contains 15,778, or a little more than double what it was in the Forty-third Congress, and this increase means not only that much extra work for the reporters, but a very large proportion of actual cost to them.

The CHAIRMAN. How many pages has the Record up to this time?

Mr. WHITE. It is now I think just about what it was at the same date at the

first session in the Fifty-first Congress; the number of pages being close to 6,000.

In this session the House reporters have had an unusual amount of work to do. In the last Congress, as you will remember, there were numerous roll calls that took up a great deal of space, occupied the time of the House, and left less actual reporting to be done. But the daily sessions have been greatly prolonged of late years. In this session there has been a steady debate on the appropriation bills, almost every paragraph having been amended and debated all through the session.

But I wish to call special attention to the fact—recurring for a moment to the contract system again—that in the Forty-second Congress, when this matter was reported by contract, there were five stenographers employed, occasionally six, and sometimes as many as seven. It is at least reasonable to suppose that the contractors employed the smallest number that could possibly do the work. But notwithstanding the immense increase of work we have never had an increase of the force, or an increase of pay, although the immense additional work I have specified has been imposed upon us. The work has now become such a burden as to exhaust not only our physical strength but a large proportion of our salaries besides.

The CHAIRMAN. You say you have already paid \$1,200 so far for amanuenses bills for the present session.

Mr. WHITE. I think it is in the neighborhood of \$1,200, but I can furnish you the exact figures if desired.

The CHAIRMAN. Have the other reporters paid similar amanuenses' bills?

Mr. WHITE. Yes, sir: each one pays his own two clerks.

The CHAIRMAN. Was anything done in the Fifty-first Congress to assist you by way of extra allowance?

Mr. WHITE. Yes, sir. When the deficiency bill for the Fifty-first Congress was being prepared the reporters of the House appeared before your subcommittee, of which Gen. Henderson was chairman, and had a hearing, and I have before me the papers which were presented to the committee at that time. The committee then inserted in the bill the following:

"To reimburse the Official Reporters of the proceedings and debates of the House of Representatives for the money paid by them so far during the present session for clerical hire and extra clerical services \$1,000 each, except that to the widow of John J. McElhone there shall be paid \$600, and to Fred Irland \$400; in all, \$5,000."

The CHAIRMAN. That is for the first session of the Fifty-first Congress?

Mr. WHITE. Yes, sir. We made no claim for compensation for the second session, hoping that, having called attention to the matter, the House would remedy the manifest injustice.

The CHAIRMAN. Was anything of the kind done in the Fiftieth Congress?

Mr. WHITE. Yes, sir. In the first session of the Fiftieth Congress we had a hearing before the committee, and I think you (Mr. Sayers) made a motion in the House when the general deficiency bill was under consideration to reimburse the five Official Reporters of the House in the sum of \$1,000 each.

The CHAIRMAN. I recollect that. Will you please read that provision?

Mr. WHITE. It is as follows:

"To reimburse the five Official Reporters of the proceedings and debates of the House of Representatives for moneys actually paid by them so far during the present session for clerical hire and extra clerical service \$1,000 each, in all \$5,000; \$1,000 of the amount hereby appropriated to go to the widow of the late James K. Edwards."

The CHAIRMAN. Do you know whether anything of the kind was done in the Forty-ninth Congress?

Mr. WHITE. I do not think anything was done in the Forty-ninth Congress except what was provided in the way of a month's extra pay at the close of the session.

Mr. HENDERSON. If this request is agreed to, what will it net the official reporters?

Mr. WHITE. It will simply reimburse us for a part of the amount paid out. We do not want to ask anything more than was given in the last Congress. But we hope that your committee will, upon examination of the facts, make such provision as will allow us to pay all these expenses in future on vouchers to be properly approved. It was manifestly not intended that we should do so when our office was created.

Mr. HENDERSON. You would rather do that than be reimbursed by this extra compensation?

Mr. WHITE. That would be more satisfactory, decidedly.

Mr. HENDERSON. In case we comply with this request it will not give you any more than your legitimate salary?

Mr. WHITE. It will not. It will not only leave the salary short up to this time in this session, but it will still leave us short on compensation for the short session and the remainder of this.

The CHAIRMAN. In other words, you have paid out more than \$1,000?

Mr. WHITE. Yes, sir; I have, and I think the others have paid out about the same amount. We all have practically the same arrangement as to the pay of our employés.

The CHAIRMAN. So that receiving the \$1,000 will not net you over \$5,000 a year for your services.

Mr. WHITE. No, sir; it will not come anywhere near compensating us or bringing the salary up to what is fixed by law.

The CHAIRMAN. To say nothing about not receiving any additional compensation during the short session?

Mr. WHITE. It leaves our salary about \$3,500 a year under present circumstances, I should say, instead of \$5,000, which the law fixes.

STATEMENT OF GEORGE C. LAFFERTY AND W. J. KEHOE, OFFICIAL STENOGRAPHERS TO COMMITTEES.

The CHAIRMAN. Gentlemen, you may make any statement you desire.

Mr. LAFFERTY. Mr. Chairman, we addressed a written communication to you this morning.

Mr. HENDERSON. Mr. Lafferty, you may read that to us.

The communication is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 10, 1892.

DEAR SIR: We respectfully ask that we be given \$1,000 each in the general deficiency bill, now before your committee, to reimburse us for amanuenses' bills and other expenses incurred during the present session of Congress. We ask this in view of the fact that our expenses have been extraordinarily heavy owing to the enormous amount of work done for committees.

The anomaly of our position is that the more work we do the less pay we receive. It is just the same as if Congress appropriated for the salary of an officer of the Government and he had to pay from his salary all necessary clerical hire, traveling and other expenses, to carry on the business of his department. Fifteen years ago shorthand transcription was necessarily slow and only so much could be done in a day. Ten years ago transcription was expedited by the use of the typewriter, and more could be accomplished in the course of a day. To-day we can do nearly twice as much in a day by the use of the phonograph and graphophone as we could even four years ago, thereby costing us just about twice as much in the pay of our amanuenses, although the Government gets twice as much work per day. The more transcript we turn out in a day the more expensive it is to us.

A three-hours' take in shorthand means the typewriter bill will be more than our daily salary. A take of all day means that each man saves to the Government about \$150 for that day. One of us during the present session in one investigation did work in ten days which at current prices would have cost the Government over \$1,500.

The work on committees necessarily increases each Congress as more and more the business of the House is transacted in the committees, thereby increasing our work very largely. We cite you to your own committee.

The committee work of the present Congress has been in excess even of the last Congress, which was the busiest for the committee stenographers since 1877, when there was an appropriation made of \$20,000 to pay for stenographic work done for Congress outside of the official stenographers.

The work done by one of the committee stenographers during one month past, if paid for at current rates, would have been between \$1,800 and \$2,000; he received \$327, which, after deducting amanuenses expenses \$238, left him a salary of \$89.

We have been already notified that our services will be required during the recess of Congress.

If there is any other information that your committee may desire, we will take great pleasure in furnishing the same.

We have the honor to remain,
Very respectfully, yours,

GEO. C. LAFFERTY,
W. J. KEHOE,

Official Stenographers to committees.

Hon. JOSEPH D. SAYERS,
Chairman Subcommittee General Deficiency Bill.

Mr. HENDERSON. What committees have you reported this year?

Mr. LAFFERTY. Almost all the important committees of the House, but it is difficult to carry them in mind. I should say, however, the following:

Committee on Agriculture, two weeks' hearing on the option bill and miscellaneous hearings.

Committee on Appropriations, hearing on all regular appropriation bills, miscellaneous hearings, and investigation of the World's Fair by one of its subcommittees; all of this being new work.

Committee on Banking and Currency, miscellaneous hearings and investigations of the Philadelphia banks.

Committee on Coinage, Weights, and Measures, hearings on free coinage.

Committee on District of Columbia, miscellaneous hearings.

Committee on Indian Affairs, miscellaneous hearings.

Committee on Judiciary, miscellaneous hearings, investigation of Judge Boardman, and investigation of court at Boston.

Committee on Labor, investigation of the eight-hour law.

Committee on Manufactures, investigation of the sweating system.

Committee on Merchant Marine and Fisheries, miscellaneous hearings.

Committee on Naval Affairs, miscellaneous hearings.

Committee on Public Buildings and Grounds, investigation of folding-room fire.

Committee on Public Lands, miscellaneous hearings and investigation of the Yellowstone Park.

Committee on Territories, miscellaneous hearings embracing almost all bills before that committee in regard to admission of Territories, etc.

Committee on Ways and Means, miscellaneous hearings.

Select Committee on Reform in the Civil Service, investigation of Baltimore post-office.

Select Committee on the Eleventh Census, investigation of the conduct of the Eleventh Census now pending.

Select Committee to investigate the Pension Office, and several investigations pending and contemplated.

Mr. HENDERSON. You gentlemen have a fixed salary of \$4,000 each?

Mr. LAFFERTY. Yes, sir.

Mr. HENDERSON. How many of you are there?

Mr. LAFFERTY. Two.

Mr. HENDERSON. And you have to pay out of your salary for the transcribing of your notes, etc?

Mr. LAFFERTY. Yes, sir; we pay our own amanuenses and graphophone bills.

Mr. HENDERSON. Is it impossible for you gentlemen to do your own type-writing?

Mr. LAFFERTY. Yes, sir; if we tried to do it we would be three or four months behind in our work. It is not only impossible for us to do that, but it requires all our time during the day, half the night, and Sundays even to dictate our notes on account of the large amount of work.

Mr. KEHOE. I will say, gentlemen, I know I have worked every day, night, and Sunday for three months this session.

The CHAIRMAN. How much have you two gentlemen paid out for typewriter bills?

Mr. LAFFERTY. I should say for this session from seven to nine hundred dollars each, but you must understand we get our work done at the very lowest possible price on account of the large quantity, varying from 4 to 6 cents per folio; that we have investigations and hearings still running; that we have been notified we will be called upon during the recess, and that we still have to pay the bills for the short session.

Mr. HENDERSON. Have you much current work now?

Mr. KEHOE. We have three calls to-day.

Mr. LAFFERTY. There has been no let up as far as I can see. We have now running the census investigation, which will run for some time; the investigation of the Philadelphia banks, and we have the Pinkerton and other investigations yet to begin.

STATEMENT OF GEORGE A. BARTLETT, DISBURSING CLERK, TREASURY DEPARTMENT.

The CHAIRMAN. Your item is "For additional compensation to the disbursing clerk of the Treasury Department for the disbursement of the appropriation for the Coast and Geodetic Survey from August 1, 1885, to December 31, 1889, being an average of one-tenth of 1 per cent on the total annual appropriation, \$2,000."

Mr. BARTLETT. The committee took charge of the Coast Survey in 1885, and dismissed the disbursing clerk, and the Secretary ordered me to do the disbursement. The office was paying \$2,500 a year.

Mr. HENDERSON. The disbursing officer who was abolished was receiving \$2,500 a year?

Mr. BARTLETT. Yes, sir; and I disbursed for four years; and at the end of that time they appointed a disbursing clerk, and the superintendent recommended I be paid some compensation and he estimated it about one-tenth of 1 per cent, and that is a good deal less than is usually paid for disbursements on extra work, and I was put in the bill last year, but it failed to go through, so the Secretary put it in again this year.

Mr. HENDERSON. What was your salary in the Treasury Department?

Mr. BARTLETT. Two thousand five hundred dollars.

STATEMENT OF JUDGE WALTER I. HAYES, A REPRESENTATIVE FROM THE STATE OF IOWA.

The CHAIRMAN. The item is, "To pay to the widow and children of Leonidas C. Houk the amount of salary and mileage for the unexpired term of the service as a member of Congress, \$9,273.62." Please make your statement as briefly as you can.

Judge HAYES. I will say, gentlemen, on behalf of Mrs. Houk, we are at somewhat of a loss to know in just what attitude to present this claim for these reasons. We do not know what may have been said to the committee; I do not mean as a whole, but on what perhaps might be termed the facts or equities of this case, and I desire to say here that while it seems to us unseemly to go into that question that we are perfectly willing, but we do not desire it in the first instance. We do not believe it is the proper way in which these matters should be brought, and we believe there should be some established rule. We do not believe that the questions growing out of family relations should be brought here at all, either from the standpoint of the family, or that the committee would want to go into an investigation in regard to those matters. In other words, there ought to be some established rule in the way those matters are settled. We all know it has become a firmly established precedent that the salary of a deceased member is given to somebody.

—The CHAIRMAN. There is no question about that.

Judge HAYES. This first commenced in the Forty-sixth Congress, a case from Iowa, the first then allowed. From that day to this there have been thirty-five cases, not of course including those in the present Congress. The first of those was given without any contest and by perfect understanding of the parties to the widows and heirs. In the Forty-seventh Congress there was one given to the widow and child. Now, from the Forty-seventh Congress down to this day, including thirty-one cases, there never has been a case in any Congress in which it was not given to the widow absolutely when there was one, not a single exception. It has become a precedent that has become a rule and in our judgment it is the only one that this committee can act upon, because unless we have it established—and that is the established precedent of to-day—why you have got to come in and hear as a court of chancery and determine upon the facts in each individual case and determine the necessities and equities, and I hardly thought your committee desired to do that. What we say is it should be a rule, the precedent as already established should be adhered to; but we will say this, that if the committee desire to determine upon any other basis, if they desire to determine and hear the equities we can make a showing that is absolutely over-

whelming, we believe, upon the facts in this case why this money should be given, as it has been in the past, to the widow of Mr. Houk. We are perfectly willing to make that showing, but in the face of the precedent we do not believe that we ought to have the laboring oar. We believe if they desire to get around that precedent it is for them to bring evidence and we will be perfectly willing to answer it in all its phases.

The CHAIRMAN. I would like to have these facts to which you refer.

Judge HAYES. You would like to have them; very well. Well, I know of no better way to present them than to present them in a statement prepared by Mrs. Houk herself, absolutely her own statement. It is not very long and if it is agreeable to the committee I will read it, or of course I can submit it to the committee in any way they desire.

The CHAIRMAN. You may read that.

Judge HAYES (reading):

"To the honorable Subcommittee on Appropriations of the House, and committees of the United States of America.

"GENTLEMEN: I have the honor to present this appeal on my own behalf against the proposition made by the Hon. John C. Houk, of Tennessee, for a division of the salary of my late husband, Leonidas C. Houk, of Knoxville, Tenn., and beg to submit for your consideration the following reasons why the money should not be diverted from the usual disposition made by Congress in similar cases.

"First. This courtesy on the part of Congress was formerly extended to preserve the widow of the deceased member from want.

"Second. The homestead purchased by myself out of my separate estate with money inherited prior to my marriage was and still is mortgaged to extend a political speculation in which I have no interest and from which I was in no way benefited."

I will say the mortgage is on the homestead to-day, which was entirely the property of Mrs. Houk, coming from her own relatives and her side of the family. That mortgage is for \$2,200, and it was entirely for the benefit of the husband, to enable him, as I understand, to start a newspaper.

Mr. HENDERSON. Is that the political speculation to which you allude, the starting of a newspaper?

Judge HAYES. Yes, sir; as I understand, it was in connection with that, and that to-day exists upon her homestead, being a debt of his, and nothing in which she had any interest in any way, shape, or manner. It was an entirely outside political speculation in starting a newspaper on the part of Mr. Houk himself.

(Continuing reading.) "My entire portion"—

Mr. HENDERSON. It is admitted by the representatives of the other heirs that the homestead was bought entirely with her money?

Judge HAYES. I understand there is no question about it.

Mr. HENDERSON. Is the other side represented here this morning?

Judge HAYES. I do not know.

(Continuing reading.) "My entire portion of the salary, if divided as proposed, must go to release this mortgage, so that I shall virtually receive nothing whatever from the estate, if it can be so termed."

She would simply pay off his obligation and would not receive a dollar of this allowance by the committee.

Mr. HENDERSON. You say the lien is \$2,200?

Judge HAYES. Yes, sir.

Mr. HENDERSON. And what is asked for is \$9,000?

Judge HAYES. Yes, sir; and dividing that up would just about pay off this mortgage and leave nothing to her.

(Continuing reading.) "This house has always been a home for each and every member of the family at all times.

"Third. Mr. John Houk was elected to Congress on the plea of the destitution of his father's family. The mortgage particularly was used as a campaign argument and bruited throughout the whole Congressional district, Mr. Houk assuming that in the event of his election he would use his salary to pay the same"

I will say he never has shown any disposition or made any attempt to do that, but is seeking, as I understand it, through the committee to have it paid so that her amount of his salary would leave her nothing.

(Continuing reading.) "And aid in the maintenance of the family as any member of the Tennessee delegation will testify, and the campaign documents will

show. The partition urged by the proposition introduced will serve to relieve him in a large measure from the responsibility of fulfilling these pledges.

"I kept the family together until after the primary election, when having no assured means of support and constantly pressed by creditors of just and lawful obligations, which I had no prospect of being able to discharge, I had an opportunity to rent my house and place my stepdaughter, a girl of 18 years, at a finishing school at Nashville at her desire and at my own expense"——

The CHAIRMAN. That is the daughter of Mr. Houk by his first wife?

Judge HAYES. Yes, sir.

(Continuing reading.) "And the youngest son temporarily with some relatives who love him very dearly."

The youngest son of Mr. Houk is 13 years old and the daughter is 18 years old, and then Mrs. Houk has a daughter of her own, 9 years old.

Mr. HENDERSON. Are these the only minor children?

Judge HAYES. Yes, sir; and four adult sons.

The CHAIRMAN. Has Mrs. Houk supported this daughter of her husband's first wife at school?

Judge HAYES. She did up to the time of this primary election spoken of when Mr. Houk ran for Congress, and I think after that the daughter was taken and placed with her relatives.

Mrs. HOUK. I paid for her during the first session of school and after that time I thought her brother would support her.

Mr. HENDERSON. Which brother?

Mr. HOUK. Her brother in Congress.

Judge HAYES. I will say Mrs. Houk's income from all sources is less than \$300 a year with her children to support, and having a homestead mortgage for \$2,200.

Mr. HENDERSON. Have these minor children any means of support?

Judge HAYES. I think not, except I think they have been supported by their other brother.

(Continuing reading.) "It has been asserted that I have means to support myself and child. I do own the house aforesaid, subject to the mortgage above referred to. I also inherited thirteen shares of bank stock, over the principal of which I have no control and can not have; said shares produce an income of \$260 per annum. I leave it to the honorable gentlemen of the committee to determine how far this sum will go towards supporting my daughter and educating her: but with the interest of the salary added and the fulfillment of Mr. John Houk's pledge to pay the mortgage, I would be able to maintain a comfortable home for all, which it is my desire to do.

"As to my unfailing unkindness and devotion to and interest in my step-children, I can only point to my conduct as a mother during eleven years, which will be indorsed by any member of Congress acquainted with our home life, by any citizen of Knoxville, or by Mr. John Houk himself.

"During the next decade these children, including my own, will all have entered upon their own separate lives, and if this money is now divided they will each take the allotted share, which united will support a home. I myself may then be left, as I am now, without home or independence and less able to struggle with the world. Congress has always recognized the obligation on its part to make payment to the surviving widow of a deceased Congressman, and only to the heirs at law of such Congressman, when no widow survived him. The act of September 30, 1850 (Stat. L., vol. 9, 523), very clearly indicates the rule adopted by Congress as to whom the money should go in a case like this. Congress for a long time has provided for the payment to the surviving widow for the unexpired term of the deceased member from the date of his death.

"Trusting that the honorable gentlemen of the committee will give these reasons due weight and just consideration.

"Respectfully submitted,

"MARY B. HOUK."

The CHAIRMAN. How long had the present Mrs. Houk and Mr. Houk been married?

Judge HAYES. Twelve years. I think they have a daughter 9 years old.

The CHAIRMAN. Have these children of Mr. Houk by his first wife lived with the family all the time?

Judge HAYES. Yes, sir.

The CHAIRMAN. Up to the time of his death?

Judge HAYES. Yes, sir; these minor children who have not become of age and

gone out for themselves have lived there ever since, except some time after this primary election which she mentions. Then they did not.

The CHAIRMAN. Then we are to understand that the home of Mr. Houk and his wife was also the home of his children by his first wife?

Judge HAYES. Yes, sir; and this homestead was hers absolutely.

The CHAIRMAN. What I mean to say is, they were all living together?

Judge HAYES. Yes, sir.

Mr. HENDERSON. When was this homestead first secured?

Mrs. HOUK. Something less than a year after we were married.

Mr. HENDERSON. About eleven years ago?

Mrs. HOUK. Yes, sir.

Mr. HENDERSON. Then as I understand it you had one minor child and Mr. Houk left a boy.

Mrs. HOUK. Of 13.

Mr. HENDERSON. And a daughter who is now how old?

Mrs. HOUK. Eighteen.

Mr. HENDERSON. And four boys who are grown up?

Mrs. HOUK. Yes, sir; and they are all in business.

Mr. HENDERSON. Are they all married men with families?

Mrs. HOUK. Three of them are married.

Mr. HENDERSON. All of age?

Mrs. HOUK. Yes, sir.

STATEMENT OF JOHN BROWNLOW.

Mr. HENDERSON. Where do you reside?

Mr. BROWNLOW. My home is Knoxville, and I am an employé of the Post-Office Department.

Mr. HENDERSON. Is there anything you have to say?

Mr. BROWNLOW. I know nothing at all about the business affairs of the family, but I can testify as to Mrs. Houk's character as a wife.

Mr. HENDERSON. That is not in issue.

The CHAIRMAN. That is not before us at all.

STATEMENT HON. J. W. COVERT, A REPRESENTATIVE FROM THE STATE OF NEW YORK.

Mr. COVERT then addressed the committee. He said:

Mr. Chairman and gentlemen of the committee, I have nothing to add to what has been so thoroughly stated by Judge Hayes. My long acquaintanceship with Judge Houk began in the Forty-fifth Congress, and my knowledge of the conditions which surrounded the home life of Judge and Mrs. Houk is the only apology I have for appearing before your committee this morning. It seems to me her statement is clear and full, and it has about it to some extent the elements of favor. Judge Hayes has stated her case very clearly and strongly, and I have nothing to add to it. I have only to suggest that Mrs. Houk is present to answer any questions which any member of the committee may desire to propound to her.

ADDITIONAL STATEMENT OF JUDGE WALTER I. HAYES.

Judge HAYES said: Perhaps one thing I overlooked, and that is Mrs. Houk's entire willingness, not only now, but at all times since the death of Judge Houk, to maintain a home and keep these children, and there has not been a time she was not willing to do so, and the only thing preventing her doing so is absolute necessity—lack of funds.

Mr. O'NEIL. You mean her willingness if she had the means?

Judge HAYES. Yes, sir. There never was any time when she was unwilling to do that; but the actual whole gross income of Mrs. Houk is \$260 a year, and you gentlemen know how far that will go.

Mr. HENDERSON. If this amount is appropriated to her, is it her purpose to maintain a home and provide a home for these children?

Mr. HAYES. Yes, sir; she is perfectly willing to do her full share, and will take care of them.

Mrs. HOUK. I have always treated them very kindly and affectionately, and have always done so.

Mr. HENDERSON. I mean, if you should receive this appropriation entirely yourself, is it your purpose to maintain this home, and provide a home for those other two minor children of the first wife of your husband?

Mrs. HOUK. Yes, sir.

Mr. HENDERSON. Where are you living now?

Mrs. HOUK. You mean my address? I am here for the present.

Mr. HENDERSON. Where is your home?

Mrs. HOUK. I presume my home would be in Tennessee, but I am here for the present.

Mr. HENDERSON. Are you maintaining a home and keeping a house anywhere?

Mrs. HOUK. No, sir.

Mr. HENDERSON. Your own daughter is with you?

Mrs. HOUK. Yes, sir.

Mr. HENDERSON. Where is Judge Houk's daughter now?

Mrs. HOUK. I regret to say she is living in the country with an old woman who is slightly connected with the family and has been a servant for years with the family.

Mr. HENDERSON. A colored woman?

Mrs. HOUK. No, a white woman; but I do not think it is a good place for her to be.

Mr. HENDERSON. How is this old lady related to the family?

Mrs. HOUK. Through Judge Houk in some way.

Mr. HENDERSON. You do not know what the relationship is?

Mrs. HOUK. It is a distant cousin. They are very respectable people, but it is not such a place as my step-daughter should be, and I do not believe she is happy.

Mr. O'NEIL. If you get this money you will take her with you?

Mrs. HOUK. Certainly, if she is willing to come with me.

Mr. COVERT. I might say that Senator Harris and Mr. McMillin were very anxious to be here this morning, and they told me yesterday afternoon they would be in attendance before the committee if it were possible. Perhaps Mr. Snodgrass desires to say something to the committee.

Mr. SNODGRASS. There is nothing I can add to what has already been said. I think the committee understand Mrs. Houk's situation and the situation of the family.

Mr. DINGLEY. Where is your son, who is 13 or 14 years of age?

Mrs. HOUK. He is with the same people.

Mr. DINGLEY. With the daughter?

Mrs. HOUK. Yes, sir; but the daughter has only been there for a short time since her school let out.

Mr. HENDERSON. Has she graduated?

Mrs. HOUK. I think not.

Mr. HENDERSON. Where was she going to school?

Mrs. HOUK. At Nashville.

Mr. HENDERSON. Where is this home she is at now?

Mrs. HOUK. Near Knoxville.

Mr. HENDERSON. How far?

Mrs. HOUK. Ten miles, I think.

Mr. HENDERSON. In a conversation which I had with you I think you made some reference to your going to Canada or Europe or somewhere; what was in that?

Mrs. HOUK. There was nothing further than I stated that I had no means of supporting myself and child, and that I thought of obtaining a position in Chicago. I should have to do something, you understand.

Mr. HENDERSON. You had no intention of going to Canada or Europe?

Mrs. HOUK. No, sir; none in the world. You will readily understand it is necessary for me to do something.

Mr. HENDERSON. Has there been any guardian appointed to these two minor children by the former wife?

Mrs. HOUK. No.

Mr. HENDERSON. No guardian has been appointed?

Mrs. HOUK. No, sir.

The clerk read the following communication:

HOUK APPROPRIATION.

APRIL 1, 1892.

The county court of Knox County, Tenn., has appointed John L. Hudiburg, the present postmaster at Knoxville, and a safe business man, guardian of Annie Houk and Eddie Houk, the two minors to whom myself and brothers desire one-half this appropriation to go.

Let the money—one-half the total—be placed in hands of guardian for benefit of these two minors. Your attention is called to the within joint letter, which fully explains the matter.

JNO. C. HOUK, M. C.

KNOXVILLE, TENN., *December 23, 1891.*

DEAR SIR: The undersigned, children and heirs at law of the late Hon. L. C. Houk, hereby request you to introduce a bill in Congress for the payment of the salary of our deceased father for his two years' term in Congress, beginning March 4, 1891, and ending March 4, 1893. Our father left no estate, but left a widow and seven children, as follows: John C. Houk, Lincoln C. Houk, William C. Houk, Elmer E. Houk, Eddie Houk, and Annie Houk, said six children being by his first wife; and also Elsie Houk, the child of the second wife and present widow, Mrs. Belle Houk. Elmer E. Houk, Eddie Houk, Annie Houk, and Elsie Houk are all minors, the said Elmer being 20 years old, the said Annie 16 years old, the said Eddie 12 years old, and the said Elsie about 8 years old. We request that the bill provide for the division and appropriation of salary, as follows: One-fourth to the widow, one-fourth to her child, Elsie, and one-fourth each to the said Annie and Eddie Houk; and that such portions of said salary as shall be appropriated to said minor children be paid to their regular guardians. As before stated, our father left no estate, and we think the division of the said salary as hereinbefore suggested is fair and equitable. Elmer E. Houk is also a minor, but claims no part of said salary, and waives his claim in favor of the other three minor children. It is further suggested that the said Annie and Eddie Houk are just now at an age when it is of the utmost importance that they have the advantages of education, which none of their near kindred are in a condition to give them.

Very respectfully,

JOHN C. HOUK, M. C.
LINCOLN C. HOUK,
Attorney for Knox County.
WM. C. HOUK,
Clerk at Knoxville.
ED. S. HOUK,
Living with E. E. Houk.
ELMER E. HOUK,
Clerk to United States District Attorney.
ANNIE HOUK,
Attending St. Cecelia School, Nashville.

Hon. A. A. TAYLOR,
Washington, D. C.

DEAR ALF: The foregoing is a fair and equitable proposition and would be so considered by all persons having knowledge of the circumstances of the case.

I trust that any appropriation that is made will be based on the plan suggested herein. I can conceive of no fairer way of disposing of this matter.

I am, very truly, your friend,

JNO. C. HOUK, M. C.

STATEMENT OF HON. JOHN T. CAIN, A DELEGATE FROM THE TERRITORY OF UTAH.

The CHAIRMAN. The item to which you desire to call our attention is as follows: "Expenses of Territorial courts in Utah; to supply deficiencies in the appropriation for expenses of Territorial courts in Utah, on account of fiscal years, as follows." Well, sir, we would just like to hear you, as briefly as possible.

Mr. CAINE. Gentlemen, I wish to say this; My attention has been called to this by Marshal Parsons—

The CHAIRMAN. Who is Marshal Parsons?

Mr. CAINE. Marshal of the Territory of Utah. Here is a detailed statement. In the first place here is a detailed statement of the unpaid claims against the United States for the fiscal year 1897: "Accounts, Territorial courts for the payment of which no money has been furnished by the Department," which is as follows: \$652.10—I have copies of the original vouchers on file with the Department here; the next item is \$620, that is, the \$620 is included in the \$652, and a detailed statement is given—

The CHAIRMAN. We have that already before the committee, printed. What we desire to know is if it is within your knowledge that these items are covered by accounts which have been duly audited?

Mr. CAINE. Yes, sir; that is my understanding about it. I have been to the Department of Justice, and these accounts have been furnished by the Department of Justice to the Treasury Department and duly audited. I know many of these accounts are of long standing, and persons have applied to me to see about them and urged that the money be appropriated to pay them so that the people may get their money. There is a great deal of dissatisfaction with the people who have furnished supplies to the penitentiary and those also who have rendered services as guards and other services there.

Mr. HENDERSON. Are those claims in the hands of creditors chiefly?

Mr. CAINE. Yes, sir.

Mr. HENDERSON. There is nothing going to the ex-marshals then?

Mr. CAINE. Oh, no, sir. These are claims held by individuals. I have had letters from parties asking me to look after these things to see whether the money had been appropriated to pay them, supposing that probably the money had been appropriated and they had not been paid, and I found on examination that the accounts of the marshal are correct so far as I can judge. I think the money is justly due to those people and it ought to be paid. It reflects very seriously on the Government, and probably is detrimental.

The CHAIRMAN. What we specially desire to know is, as I have asked you before, whether these amounts which make up these items have been audited and approved by the proper accounting officers of the Treasury?

Mr. CAINE. Yes, sir.

Mr. DINGLEY. Do you know whether these accounts and claims have been presented to previous committees?

Mr. CAINE. That I do not know.

Mr. DINGLEY. Do you know, Mr. Courts, whether these have been before the committee before?

Mr. COURTS. Not as a whole, perhaps in part.

Mr. HENDERSON. The First Comptroller would know about this?

Mr. COURTS. Yes, sir.

Mr. CAINE. I think there is a good deal of dissatisfaction on the part of the people who furnished supplies to the penitentiary.

Mr. DINGLEY. There appears to be a deficiency of a large amount, of \$25,000, when the appropriation was \$40,000 and the estimate only \$45,000. I suppose you know nothing about that?

Mr. CAINE. I know nothing about that, but here are accounts against the penitentiary for 1891 \$1,106.02 owing to the merchants of Salt Lake City.

STATEMENT OF E. Y. BEGGS.

The CHAIRMAN. Does this communication which you handed me embrace your case?

Mr. BEGGS. Yes, sir.

The CHAIRMAN. Very well, we will consider it.

Mr. BEGGS. Yes, sir.

OFFICE OF THE ENGINEER COMMISSIONER,
DISTRICT OF COLUMBIA,
Washington, D. C., June 9, 1892.

SIR: It is within my personal knowledge that General Inspector Beggs was absent through sickness during the time for which pay is asked. Mr. Beggs was taken sick one day while driving on duty connected with street work of the District. He became unconscious, and was thrown from his buggy. From the

effects of the sickness and accident he was prevented from doing any work for nearly five months.

The law prevented any allowance or pay to Mr. Beggs for the time so lost.

Mr. Beggs is an old and valued employé of the District, and deserves the most considerate treatment. He has been employed about fourteen years.

The Commissioners of the District have many times asked to have Mr. Beggs put on the permanent roll, but without success.

Very respectfully,

WM. T. ROSSELL,

Captain Corps of Engineers, U. S. A., Engineer Commissioner D. C.

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,

Washington, March 12, 1892.

SIR: The Commissioners of the District of Columbia transmit herewith drafts of bills "For the relief of the assistant assessors of the District of Columbia, etc.," and "For the relief of certain employés of the water department of the District of Columbia."

The portion of the first-named bill which refers to the assistant assessors is submitted in pursuance of an understanding between the Commissioners and the said assistant assessors that they would offer a bill of this character for the consideration of Congress at its present session. The gentlemen who accepted the appointment to those positions were selected for their extensive experience in real-estate matters and for their high standing in the public confidence. The assessment they are called upon to make is one that will require the exercise of the highest business capacity. Their labors embrace a rectification of the errors in former assessments which have been the source of just complaint from the taxpayers. In the judgment of the Commissioners the services of these assistant assessors are well worth the amount of compensation by this bill.

The bill for the relief of Messrs. Harpur and Beggs is intended to provide compensation for the time during which they were absent on account of sickness. They have been in the service of the District for a number of years, but being per diem employés the law makes no provision for payment except when actually engaged.

The Brawner case is for compensation during a leave of absence which Mr. Brawner took without knowing that the law provides only for compensation of per diem employés during the time services were actually rendered.

The bill for the payment of extra compensation to the employés of the water department explains itself. It is sufficient to add that their services were absolutely necessary for the proper conduct of the water department, and were diligently and faithfully rendered.

Very respectfully,

JOHN W. ROSS,

Acting President of the Board of Commissioners, District of Columbia.

Hon. WILLIAM S. HOLMAN,

Chairman House Committee on Appropriations.

DETROIT, MICH., *January 18, 1892.*

DEAR MR. BEGGS: It seems late to acknowledge and reply to your letter of December 29, but the holiday season is the only one in which I can get any vacation, and I have availed myself of it by going away.

I regret extremely to learn that you have been playing in such hard luck, and find yourself not only at a physical but a pecuniary disadvantage.

The question of your compensation lies apparently entirely in the hands of the Commissioners. Your position of general supervising inspector was intended as a recognition of your faithful, intelligent, and valuable services, and also as a direct means of improving the work of regular inspectors. It was intended to be a salaried office, and the pay was not at all in excess of the value of the services performed. The present Commissioners are fully cognizant of the facts and will no doubt do all they may that is just and equitable. There is always the difficulty with the Treasury accountants, who often raise technical

points, and whose objections can not always be met or modified. It may be practicable to so adjust your present and future compensation as in some measure to make up to you the loss already incurred; but as to this I am not fully advised, and the readiest means of reaching the equity of the matter may be by getting the Senate and House committees to incorporate a special provision. I shall be glad to learn that endeavors in this direction have been successful, but, as you will readily understand, I can not officially interpose or take any attitude involving suggestions from me as to what ought to be done.

With good wishes, yours truly,

WILLIAM LUDLOW.

AN ACT for the relief of the assistant assessors of the District of Columbia, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation of each of the three assistant assessors, appointed under an act approved March 3, 1891, entitled "An act making an appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes," to make the assessment of real property in said District for the triennial period beginning with the fiscal year 1893, is hereby fixed at \$5,000 for the current fiscal year to end June 30, 1892; that the sum of \$875 is hereby appropriated to pay for services rendered by E. Y. Beggs, as general inspector from June 20 to October 1, 1891, and from January 19 to January 31, 1892; that a further sum of \$42 is hereby appropriated for services rendered by Edward Harpur, inspector in the street-sweeping service; that a further sum of \$60 is hereby appropriated for services rendered by William H. Brawner in the collection of taxes by distraint; one-half of the sums named respectively shall be paid out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia.

Thereupon the committee adjourned to meet at 10 a. m. Saturday, June 11, 1892.

EXPENSES UNITED STATES COURTS.

DEPARTMENT OF JUSTICE,
Washington, D. C., June 11, 1892.

SIR: I send you herewith some memoranda prepared in the Department in reference to the expense of keeping prisoners, expenses for bailiffs, and miscellaneous expenses, in regard to which your committee asked for more definite information when we were before you on Wednesday. In addition to what is contained in these statements, I beg to repeat that all the expenses connected with the courts are being continually and very largely increased by the establishment of new courts and the holding of old courts in new places. At every session of Congress bills are passed multiplying places for holding courts, and for several years past every session has provided for the organization of new courts. I should say that about 33 per cent of all the court expenses results from the business arising directly or indirectly in the Indian Territory, and the worst of it is that the comparatively new courts of Paris, Tex., the Indian Territory court proper and the Oklahoma courts, do not seem sensibly to diminish the business at Fort Smith. The truth of the matter seems to be that there is an almost inexhaustible supply of criminal business arising in and around the Indian Territory. It is believed that this is temporary, and I believe it is also necessary, for, of course as this country is being settled up, crimes must be ferreted out and punished. As stated in one of the memorandums herewith submitted, crime is no longer safe in the Indian Territory. The light has been let on in every part, and the result, of course, is a vastly increased number of prosecutions. It is proper also to say that, by reason of the great distances there, the conduct of the business is very expensive, and this expense runs in every item connected with the business. By far the greatest amount of the increase in the expenses of the courts is chargeable to the business in the neighborhood of the Indian Territory.

Very respectfully,

W. H. H. MILLER,
Attorney-General.

Hon. JOSEPH D. SAYERS,
Chairman subcommittee, House of Representatives.

MEMORANDUM.

The increase in the cost of keeping United States prisoners arises in several ways.

The number of prisoners has largely increased. The reports submitted year by year show that on June 30, 1889, there were 1,252 United States prisoners confined in the penitentiaries; in 1890, same date, 1,304, and in 1891, 1,536.

On and before the 23d of February, 1887, the most of the United States prisoners were kept in State prisons free of cost of subsistence to the Government, working on contract labor in the different institutions. In 1887 an act was passed by Congress prohibiting the employment of United States prisoners on contract labor, but this did not apply, as construed by the Attorney-General, to prisoners sentenced prior to that time working on contracts then in existence, some of which ran for years, and thus 800 or 900 prisoners who were serving sentences and working on these contracts were kept free of cost to the Government until the contracts gradually expired. From the time of the passage of the act the penitentiaries refused to accept any United States prisoners except they should receive a per diem compensation for each prisoner. From the above it will be seen that within the last few years, instead of three-fourths serving terms in the penitentiaries free of cost, they are now a charge to the Government of an average rate, perhaps, of 30 cents per day.

It is almost impossible to estimate the average number of prisoners in the several jails, as it is a floating criminal population, but the increase in the number of prisoners in the penitentiaries would indicate that the increase of those in the jails throughout the country is at least 33½ per cent during the last three years.

The immigration to and the organization of the courts in Oklahoma and the Indian Territory have greatly increased within the last two years the expense for support of prisoners. This expense was great not only in the number of prisoners, but, in the absence of jails, the cost of subsisting, moving, and guarding them is very great. Another considerable item of increase of expense, in addition to the natural growth with the growth in population, is to be found in the fact that the detection and punishment of crime is yearly more complete by reason of better facilities for such detection, etc. There was a time when, if a criminal could get to the Indian Territory or Texas or across the border, he was comparatively safe; not so now.

Upon expiration of sentence each United States prisoner is entitled to transportation to the place of his conviction, a suit of clothes not to exceed \$15 in value, and \$5 in money. During the fiscal year 1891 about 1,000 were discharged. This costs about \$30,000 a year.

As it is impossible to forecast the increase or decrease of crime; it is also impossible to estimate what amounts will be needed for each year.

Respecting the excess of expenses above Department estimates of appropriations needed for pay of bailiffs, etc., 1891 and 1892, I state as follows:

The expenses of "Pay of bailiffs, etc.," are in no way controlled by the Department of Justice, but are wholly within the discretion of the United States judges.

The items are for (1) per diems for bailiffs and one crier for each court, (2) judges holding courts outside their districts, (3) meals for jurors, (4) compensation for jury commissioners.

There is probably not a day in the year, except Sundays and holidays, when no court is in session.

The Department's information can not keep up with these expenses except as marshals make requisition for advances which may be in excess of actual needs. It dislikes to ask for too large appropriations and necessarily erres on the safe side in making up its estimates within the maximum which experience finally shows were necessary. It makes estimates that it knows are absolutely needed for the Government service and which it can explain to Congress by reference to the past and present work. If such estimates prove smaller than the real expenses, it is because the business of the courts is not a fixed quantity like the supply for a manufactory, nor can it be averaged, as new legislation throws in new expenses, the cost of which is unknown.

The miscellaneous expenses of United States courts: of the supply of records for all the courts—of stationery for the judges and the courts; of expert testimony in a great variety of cases in which the United States is interested; of interpreters when witnesses or jury speak other than the English language; of fuel, furniture, lights, janitors' services for rooms rented for court purposes; of

securing evidence where the United States is interested; of printing briefs and records of cases appealed; of transporting records; of telegraphing messages by the court officers when the use of the mails is too slow for the matter in hand—a mass of work of an expensive character, which is increasing in volume year by year.

The list and character of these expenses show how impossible it is to approximate these growing expenses within 20 per cent of actual disbursements.

Courts increase, business enlarges, unexpected sources of expense arise, much of which is not within the control of this Department, but all apparently necessary to protect the interests of the Government. Under this appropriation the Department assumes that an approximate estimate of 20 per cent is the only practicable method that is safe for the interests of the Government.

If Congress as a rule gave the full sum of the estimates made for the courts, it would be better for all concerned. As it usually appropriates less than the estimates it encourages the idea that it prefers to provide for actual deficiencies than for probable expenses.

Acting upon this assumption the Department has kept its estimates within the real expenses.

MILWAUKEE, WIS., PUBLIC BUILDING.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 7, 1892.

SIR: In compliance with the request made by your committee of the Acting Supervising Architect and Mr. St. Julien B. Dapray, chief of the law and contract division, Office of the Supervising Architect, while before your committee on the 3d instant, I have the honor to inclose herewith a copy of Department letter this day addressed to Hon. William B. Allison, chairman Committee on Appropriations, United States Senate, in regard to the appropriation requested by Department letters addressed to the Speaker of the House of Representatives, and to the President of the United States Senate, in order that provision may be made for the payment of rent of the old United States custom-house and post-office building at Milwaukee, Wis., for the period of two years from the date of the consummation of the sale of said old United States custom-house and post-office site and building, which fully explains itself.

Respectfully yours,

CHARLES FOSTER,
Secretary.

Hon. WILLIAM S. HOLMAN,
*Chairman Committee on Appropriations,
House of Representatives.*

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 7, 1892.

SIR: Referring to letter dated February 2, 1892, from Mr. John P. Cleaves, clerk to your committee, inclosing a copy of Ex. Doc. No. 65, first session Fifty-second Congress (which requested an appropriation of \$30,720 to provide for the payment of the rent of the old United States custom-house and postoffice site and building at Milwaukee, Wis., for the period of two years from January 1, 1892), and stating that you desired to be informed as to—

(a) The gross and net amount of the proceeds of the sale of said old United States custom-house and post-office site and building at Milwaukee, Wis.

(b) The date of said sale.

(c) The total amount authorized as the limit of cost of the new United States post-office, court-house, and custom-house building at Milwaukee, Wis., under the various acts providing therefor.

Also referring to Department letter, dated February 16, 1892, acknowledging the receipt of said letter and indicating the reasons why a reply thereto must necessarily be delayed, I have the honor to submit the following statement:

Act of Congress approved January 21, 1889 (25 Stats., 652), authorized the acquisition of a site and the erection thereon of a suitable building, with fireproof vaults therein, for the accommodation of the United States post-office, district and circuit courts, custom-house, internal-revenue office, and other Government offices, at Milwaukee, Wis.; limited the cost of the site at \$400,000 and limited

the cost of the building at \$800,000; appropriated \$1,200,000 for carrying out the objects of said act; authorized the sale of the old United States custom-house and post-office building, and directed that the proceeds of said sale be covered into the Treasury, or, in lieu of purchasing an entirely new site, as aforesaid, authorized the purchase of additional necessary ground adjoining the site of the old United States custom-house and post-office at a cost not exceeding \$300,000, and the erection thereon of said new building, and, in the event of the present site being utilized for said new building, limited the cost of said new building, including said additional ground, to not exceeding \$1,100,000.

Act of Congress approved August 30, 1890 (26 Stats., 372), made certain provisions in regard to the payment of the awards of damages in the proceedings in condemnation for the acquisition of a site for the new building, etc., and increased the limit of cost of the new building authorized by said act \$400,000; or extended the limit of cost of said new building (exclusive of the \$400,000 for site) from \$800,000 to \$1,200,000.

Act of Congress approved March 3, 1891 (26 Stats., 952), authorized the sale of the old buildings, etc., on block 23 (the site of the new United States post-office, court-house, and custom-house building), and the sale of the old United States custom-house and post-office site and building, and the application of the proceeds of said sales to the construction of said new United States post-office, court-house, and custom-house building, in addition to the limit of cost, viz, \$1,200,000, prescribed by said acts of Congress approved January 21, 1889, and August 30, 1890, subject to the right of the United States Government to occupy said old United States custom-house and post-office site and building at a reasonable rent, not exceeding 6 per cent per annum on the sum for which the same was sold, until the completion of the new United States post-office, court-house and custom-house building.

Under the provisions of sections 3717 and 3718, U. S. Rev. Stat., and the rulings of the accounting officers of the Treasury Department, based thereon, the gross proceeds of sales of public properties, without any abatements or deductions on account of costs, fees, charges, expenses, or claims of any description whatever, must be deposited in the United States Treasury.

Under the provisions of the acts of Congress above cited it has been held that the gross proceeds of the sale of the old buildings, etc., on the site of the new United States post-office, court-house, and custom-house, and the gross proceeds of the sale of said old United States custom-house and post-office site and buildings must be deposited to the credit of the appropriation under the limit of cost prescribed for said new United States post-office, court-house, and custom-house building at Milwaukee.

Act of Congress, approved March 2, 1889 (25 Stats., 941), requires that no plans for any public building shall be approved which would involve a greater expenditure in the completion of the building, including heating apparatus, elevators, and approaches, than the amount that shall remain of the sum specified in the law authorizing the erection of the building, excluding cost of site: from which it would appear that it was necessary to ascertain definitely what the gross proceeds of said sales would be in order that the limit of cost of the building could be determined.

The Department therefore took action in regard to effecting said sales.

The old buildings and other improvements within the lot line of block 23 (being the site of said new United States post-office, court-house, and custom-house building) were sold October 7, 1891, and the gross proceeds of said sale amounted to \$7,600, which have been placed to the credit of said limit of cost and the appropriation made thereunder for said new United States post-office, court-house, and custom-house.

After due public advertisement, and in accordance with the provisions of said act of Congress approved March 3, 1891, the Department, December 16, 1891, entered into an agreement for the sale of said old United States custom-house and post-office site and building, for \$256,000, under the following terms of payment: One quarter, or \$64,000, payable in cash January 1, 1892; one quarter, or \$64,000, with interest at the rate of 6 per cent per annum, payable January 1, 1893; one quarter, or \$64,000, with interest at the rate of 6 per cent per annum, payable January 1, 1894; and one quarter, or \$64,000, with interest at the rate of 6 per cent per annum, payable January 1, 1895; and for the renting by the purchaser to the United States of said premises for such time as the Government may desire possession of the same during the construction of said new United States post-office, court-house, and custom-house, at a rent of 6 per cent per an-

num of the amount to be paid by the purchaser of said old premises, or 6 per cent per annum on \$250,000.

The terms and conditions of said sale were subsequently, and for sufficient reasons, modified so as to extend the time within which said first part payment could be made to May 21, 1892.

May 21, 1892, the payment of the first quarter of the amount of said purchase money, viz, \$64,000, was made with the understanding that the Department would waive all claim for interest on the amount for the period covered by the extension of the time within which the first payment should be made, or from January 1, 1892, to May 21, 1892, and that the purchaser of the property would waive all claim for rent of said premises for the same period, or from January 1, 1892, to May 21, 1892.

June 6, 1892, the Department authorized the superintendent of the new United States post-office, court-house, and custom-house to invite proposals for the purchase and removal of all Government property between the lines of block 23 (the site of the said new building) to and including the curb lines of the streets adjacent to said site, with the intention of depositing the gross proceeds of said sale (being the sale of sidewalks, flagging, curbing, etc.), in the same manner as the proceeds of the two other sales above referred to, to the credit of the limit of cost and the appropriation made thereunder for said new United States post-office, court-house, and custom-house building.

From the above statement the following may be deduced :

The limit of cost of the new United States post-office, court-house, and custom-house site and building, under the provisions of said acts of Congress approved January 21, 1889, August 30, 1890, and March 3, 1891, is, site \$400,000; building (\$1,200,000, plus the proceeds of the sale of the old buildings on the new site, viz, \$7,600, plus the gross proceeds of the sale of said old United States custom-house and post-office site and building, viz, \$256,000, plus interest on the three deferred payments, in amount \$64,000 each, at the rate of 6 per cent per annum, viz, \$3,840, \$7,680, \$11,520, or a total of \$23,040, aggregating \$286,640) \$1,486,640, to which must be added the gross proceeds of the sale of the street sidewalks, flagging, curbing, etc., above referred to as having been authorized June 6, 1892.

By reference to Ex. Doc. No. 65 it will be found that Department letter dated November 19, 1891, addressed to the First Comptroller of the Treasury Department by the Acting Secretary of the Treasury, submitted the question to him for decision as to whether under the provisions of act of Congress approved March 3, 1891, the gross or the net proceeds of said sale of said old United States custom-house and post-office site and building, should be credited to the appropriation for said new United States post-office, court-house, and custom-house building, or whether the expenses incident to the sale of said old premises and the rent of the same from the purchaser during such time as the Government may desire to occupy it while said new building is in course of construction should be paid from the gross proceeds of the sale of said old building and site, and, if not, from what appropriation ?

Also a copy of the decision of the First Comptroller, dated December 7, 1891, addressed to the Acting Secretary of the Treasury, holding that the gross proceeds of said sale should be covered into the Treasury and go to increase the amount already appropriated for the erection of said new building, and that the costs attendant upon the sale of said old property, being incident to and immediately connected with the object for which the appropriation for said new building was made, may be properly paid from said appropriation; but the rent of said old property after its sale could not be deducted from the proceeds of the sale, or paid from the appropriation for the erection of said new building, and that the proper course would be to submit an estimate to Congress for an amount sufficient to pay the rent of said old premises at least for the time for which said old property shall be rented during the present year and for the next year.

Accordingly, January 4, 1892, the Department wrote letters to the Speaker of the House of Representatives and the President of the United States Senate, calling attention to the facts in the case and requesting that an appropriation of \$30,720 be made in order that provision may be made for the payment of said rent for the period of two years from January 1, 1892.

From the above statement it will be seen that the agreement dated December 16, 1891, was not completed by the payment of the first quarter of the purchase money of said old premises until May 21, 1892, and that the purchaser agreed that the rent of said old premises should commence from and including May 21, 1892, and therefore said appropriation of \$30,720, requested for the payment of

said rent for the period of two years from January 1, 1892, will not now all be required.

The agreement does not specify the date or dates when said rent shall be paid annually, but the Department desires to have the appropriation available so as to pay the rent at the close of each year.

From the above it will be seen that it will only be necessary for Congress at its present session to make an appropriation sufficient to meet said rent from and including May 21, 1892, to December 31, 1892, or an appropriation of \$9,533.25, being 5 per cent on the amount of the purchase money, viz: \$230,000 for 225 days from and including May 21, 1892.

Respectfully yours,

CHARLES FOSTER,
Secretary.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

SATURDAY, June 11, 1892.

* * * * *

STATEMENT OF MAJ. T. O. TOWLES, CHIEF CLERK, HOUSE OF REPRESENTATIVES.

Mr. SAYERS. I will ask you about a claim of Mr. Sackett for \$257.

Mr. TOWLES. I received a letter from the committee addressed to the Clerk's office in reference to the claim of D. Sackett for services rendered in the enrolling room of the Clerk's office of the House of Representatives during January and February, 1892, for which he makes a claim of \$257. A resolution was presented to the House by Mr. Greenleaf, who represents Mr. Sackett's district. That resolution was sent to the Committee on Accounts. Mr. Sackett had been employed as assistant enrolling clerk of the Fifty-first Congress. He was discharged on the 9th of January, 1892, drawing pay for the 9th, and a gentleman from Wisconsin was appointed in his place. Mr. Sackett remained in the office and I know rendered valuable assistance to the new men who were appointed enrolling clerk and assistant enrolling clerk. He was familiar with the work, was diligent and attentive, and did very valuable service. Personally I did not know why he was retained. I supposed he had made some private arrangement with the new clerk or his assistant by which he stayed there through courtesy or through some other inducement to assist these gentlemen until they became familiar with their duties.

Mr. SAYERS. Mr. Sackett was discharged?

Mr. TOWLES. He was.

Mr. SAYERS. The other gentleman is now drawing a salary?

Mr. TOWLES. Undoubtedly; but this claim is based on this resolution for compensation which was sent to the Committee on Accounts. The committee examined the claim but did not think that it could allow Mr. Sackett's claim out of the contingent fund of the House by reason of the fact that there is a statute prohibiting payment to any person or the employment of any person who was not regularly appointed into office.

Mr. HENDERSON. Was he paid to January 9, the date of his discharge?

Mr. TOWLES. Yes, sir.

Mr. HENDERSON. Mr. Greenleaf said that he worked in December and January and got no pay.

Mr. TOWLES. The resolution reads, to pay Sackett for service rendered "during January and February."

Mr. SAYERS. When was he discharged?

Mr. TOWLES. January 9. He remained over two months and did most valuable service.

Mr. HENDERSON. Who was in charge of the office?

Mr. TOWLES. Mr. Parsons was.

Mr. HENDERSON. During these two months?

Mr. TOWLES. Most of the time.

Mr. HENDERSON. Is Mr. Sackett here?

Mr. TOWLES. Mr. Sackett has gone home. I think the Committee on Accounts would have paid it if they could have done so legally.

Mr. HENDERSON. Please call Mr. Parsons.

STATEMENT OF GEORGE B. PARSONS, ENROLLING CLERK, HOUSE OF REPRESENTATIVES.

Mr. SAYERS. We want to know in regard to the employment of Mr. Sackett in the Clerk's office during the months of January and February last.

Mr. HENDERSON. In order that Mr. Parsons may understand the matter, I will say that Mr. Greenleaf introduced a resolution to pay Mr. Sackett for two months' service, in January and February, after he was discharged on the 9th of January. He remained for something over two months in your employ down there. I want to know the circumstances under which this service was rendered, whether any understanding was had with Mr. Sackett; and, if so, what it was.

Mr. PARSONS. There was no understanding with me about it. He was succeeded as assistant enrolling clerk a few days after I took charge, and he remained there, as I understood, at the request of the Clerk or the Chief Clerk for some time.

Mr. HENDERSON. The Chief Clerk of the House, Maj. Towles?

Mr. PARSONS. I do not know whether it was at his actual request or at his cognizance. He rendered valuable assistance, because he was perfectly familiar with the routine of the work, which was all new to me, as well as to my assistant.

Mr. HENDERSON. Was he paid anything for his services by anybody that you know of?

Mr. PARSONS. Not a cent.

Mr. HENDERSON. Have any arrangements been made by him with the gentleman who succeeded him?

Mr. PARSONS. None whatever.

Mr. HENDERSON. During what year was this?

Mr. PARSONS. The present year, 1892. Mr. Kelley was appointed as assistant enrolling clerk some time about the 1st of January, after the 1st, and Col. Sackett remained there, for I do not know how long, but a month or two. He really did not leave here until April.

Mr. HENDERSON. Was he constantly employed while there just as though he were a clerk in the office?

Mr. PARSONS. He did work as though he were a clerk, but was not employed at all; not only was he valuable in the enrolling department, but in the distributing clerk's office and the petition clerk's office, both of which are in the same room. Col. Sackett rendered valuable assistance to all the clerks in informing them as to how the work should be done, sometimes assisting the petition clerk, who was very glad to have the assistance of the enrolling clerk in the way of suggesting forms as to messages sent and received.

Mr. SAYERS. Was there any authority, either under the law or under resolution of the House, for the employment of Mr. Sackett during these two months.

Mr. PARSONS. None whatever, that I know of.

STATEMENT OF J. W. BUTTERFIELD, ATTORNEY.

Mr. SAYERS. Please explain this item under bill 8408.

Mr. BUTTERFIELD. I would like to call upon Mr. W. S. Stetson, chief clerk of Third Auditor's office.

Mr. SAYERS (to Mr. STETSON). Can you explain this?

Mr. STETSON. My attention was not called to this matter until just now. I came on another matter and I do not know the particular point to which it is desired to call my attention.

Mr. HENDERSON (to Mr. BUTTERFIELD). You can conduct the examination, as you are the attorney.

Mr. BUTTERFIELD. The settlements are found very succinctly in bill 8408. It is a Treasury settlement. These settlements were reported under act of June 14, 1878, which is a mandatory statute upon the accounting officers of the Treasury. They were not reported to the House and never have been acted upon, so far as my knowledge goes. In the last Congress they were referred by the chairman of his committee to the Committee on Claims, and a very full report was made on them by Mr. Mansur (No. 2750), including a large number of other claims. These claims are found on page 4 of that report. These charter parties claim settlement through the Department from time to time until the De-

partment was required by statute to transmit them to Congress. Since then a number of them have been paid through this committee, and those paid are similar to the claim of the Hoboken Land and Improvement Company which was paid, and that is precisely like the claim of Randolph Barton. The contract is exactly the same and the facts are the same. In these cases enumerated in House bill 8403 there was no dispute about the facts. Those were all officially found by the Department, and are in the reports of the Government officers affirming the statements of the claimants themselves. The Auditor states that they are the same. Mr. Maynard held that the owner was bound to lose the time while the vessel was being repaired, but he cites no authority.

Mr. HENDERSON. You are familiar with this and we are not. Please state to whom this was rendered and under what circumstances.

Mr. BUTTERFIELD. These vessels were chartered by the War Department in 1861 to 1865.

Mr. HENDERSON. That was during the war, to carry troops.

Mr. BUTTERFIELD. Yes, sir: for transporting troops and supplies, and were employed by the War Department to go wherever ordered, and were paid by the day as time charters.

Mr. HENDERSON. This is a claim by the steamboat company.

Mr. BUTTERFIELD. Yes, sir; by the Hoboken Company and twenty-three others. While the vessels were in the service it became necessary from time to time to make repairs. They were ordered to make repairs and then resume the service. When the Quartermaster-General came to settle he cut off this interval of time during which the vessels were undergoing repairs, stating that it was for time lost in repairs. Some of the parties got these matters before the Secretary of War and elaborate reports were made. After a dozen or fifteen years they settled upon a rule under which they would allow these claims—that is to say, the time lost in making repairs they decided was part of the time that the vessels were employed. They decided that the vessels were as much in the employ of the Government at that time as any other. The cases are cited by the Solicitor of the Treasury, the Solicitor of the War Department, and three Auditors, Carpenter, Broadhead, and Upton.

Mr. HENDERSON. Did Mr. Carpenter allow these?

Mr. BUTTERFIELD. No, sir; he allowed some that had been paid. The Department paid about one hundred.

Mr. HENDERSON. Why didn't it pay these?

Mr. BUTTERFIELD. The Department paid these claims up to the passage of the act of June 20, 1874. The fifth section of that act required that all balances of appropriations shall be covered into the Treasury and all settlements prior to the third year shall be reported to Congress.

Mr. HENDERSON. They cut off the power to allow and to pay.

Mr. BUTTERFIELD. They cut off the power to pay, but not to allow. It left the Revised Statutes as it was in regard to the transportation.

Mr. HENDERSON. Have any other statutes been passed in regard to it?

Mr. BUTTERFIELD. Yes, sir. When Mr. Sherman was Secretary of the Treasury he wrote a letter to Congress stating that old settlements ought not to be considered in the Treasury. He framed a law and sent it to Congress which was passed and became the act of June 14, 1878. There was objection raised by Mr. Maynard that the lapse of time could not be pleaded in these matters of damage.

Mr. SAYERS. I suppose the Government has paid the larger portion of the old claims for such services?

Mr. BUTTERFIELD. Yes, sir.

Mr. SAYERS. And that these claims cover those which were rejected by the Government at the time?

Mr. BUTTERFIELD. I will answer that, yes; but I want to make this explanation: When these services were performed the Court of Claims had no jurisdiction. They sent the cases to Congress. It was not until the 3d of March, 1863, that that court got jurisdiction. The accounting officers never settled these claims. A man went to the Quartermaster-General and made a statement, and there was sent by the Quartermaster-General a voucher to the accounting officers, telling them to pay that money.

Mr. SAYERS. Under the original contract where the services were rendered during the war from 1861 to 1865 the Government paid for such portion of the services as it deemed it was liable for.

Mr. BUTTERFIELD. The Quartermaster-General did.

Mr. SAYERS. After this portion of those claims had been rejected, how long was it before these rejected claims were adjudicated by the Department?

Mr. BUTTERFIELD. Some parties brought them to the attention of Secretary Stanton and got pay in 1863. That was done through some keen, skilled attorneys acquainted with the admiralty law. In 1868 other parties appeared. Most of the settlements made or attempted to be made were by persons who knew nothing of the business of the Department at Washington, and consequently it was a work from the depth up to the surface through long intervals.

When Mr. Sherman came into office he put a stop to the taking up of old settlements. These claims, filed under that statutory limitation, have never been paid.

Mr. HENDERSON. Then you answer Mr. Sayers by saying these were filed after the passage of the act?

Mr. BUTTERFIELD. Yes, sir. The act was passed June 14, 1878.

Mr. HENDERSON. And they should have been filed within five years?

Mr. BUTTERFIELD. Yes, sir.

Mr. SAYERS. As I understand it, the items mentioned are all portions of old claims. Some have been allowed, and a large portion of these claims were rejected, some of them being embraced in section 6 of this bill?

Mr. BUTTERFIELD. Yes, sir.

Mr. DINGLEY. These were original charter parties where the Government had chartered under agreement to pay. When the quartermaster came to settle them he took off whatever time the vessels had been laid up for repairs and paid the rest?

Mr. BUTTERFIELD. Yes, sir.

Mr. HENDERSON. And they are now standing upon such principles of law and equity which permit—

The CHAIRMAN. Before you ask that, were not these very claims referred by the action of the last Congress to the Second Comptroller of the Treasury, and has not he reported against them?

Mr. BUTTERFIELD. He has reported against them; but I will answer that.

Mr. HENDERSON. The present Second Comptroller?

Mr. BUTTERFIELD. Yes, sir. Mr. Maynard when he disallowed these cases enumerated in bill 8408, allowed one without giving any reason for his allowance. When these claims came before the Committee on Appropriations they did not appropriate for the one he allowed, but amended the general deficiency bill by sending that case with some other allowed claims back to the Secretary of the Treasury with the request that if said claims should again be certified the reasons and facts and details should be given. This claim was a claim by the steamer *Chancellor Livingston*, designated as the Hoboken Land and Improvement Company claim. Mr. Maynard reported at the next session of Congress this claim, submitting an elaborate report in its favor. He adopted the report of the Auditor confirmed by the Comptroller without the change of a word, the first claim he disallowed and gave his adverse report on, the steamer *George Peabody*, being precisely alike. The contracts are on the same printed form, all the stipulations are in print alike only the names of the parties and rates of hire being different, the facts in each case not in dispute and covering the same identical questions. Now, the reason our Department would not reopen the steamer *George Peabody* claim is because of the rule that what has been settled by one Comptroller can not be reopened by another without the production of new and material evidence in the case of a rejected claim, but the evidence not being in dispute, of course that rule could not apply and hence the claim was not reopened. Mr. Gilkison adopted the view of Judge Maynard. Of course, the individual views of comptrollers being unsupported by law and contrary to the uniform construction in such charter, parties can not weigh. These claims having been allowed under the act of Congress, fourth section of the act of June 14, 1878, it being expressly found by the Secretary of the Treasury in his report (sec 2750, Fifty-first Congress, first session) that there are no new facts in these cases (and the facts never in dispute) they must be decided in accordance with law, and that is abundantly shown in the decision of Comptroller Upton in these cases.

Mr. HENDERSON. Then this law grew out of deductions made on account of time vessels were tied up for repairs?

Mr. BUTTERFIELD. Yes, sir.

Mr. HENDERSON. Then, that is the issue?

Mr. BUTTERFIELD. Yes, sir.

Mr. HENDERSON. Underlying these allowances?

Mr. BUTTERFIELD. Yes, sir. You must remember another point. Up to the time of the war there was no such thing as a contract of this sort filed in the Department and the question was never up for discussion. There was never a case adjudicated until 1863, and that was by Mr. Stanton himself.

Mr. HENDERSON. One more question touching upon that: These can not go before the Court of Claims because there is a statute of limitation?

Mr. BUTTERFIELD. I will tell you—

Mr. HENDERSON (continuing). Because of the legislation which fixes the mode of treatment, which is the Sherman statute?

Mr. BUTTERFIELD. Yes; sir; but there are some insurance claims, and I have sought jurisdiction in the Court of Claims—we can go there under the Bowman act—and I have sought before another committee—

Mr. HENDERSON. You mean you wish to get authority to go before the Court of Claims from Congress?

Mr. BUTTERFIELD. Yes, sir.

The CHAIRMAN. Is this matter now pending before another committee?

Mr. BUTTERFIELD. Oh, no, these are contracts, and you have to get an act of Congress to go before the Court of Claims.

Mr. DINGLEY. What were you going before the other committee for?

Mr. BUTTERFIELD. We wished to pay some insurance claims.

Mr. DINGLEY. Are not some of these identical claims pending before the Committee on Claims on a bill introduced by Mr. O'Neill of Pennsylvania.

Mr. BUTTERFIELD. Oh, no, sir. These cases came here by reference of the chairman, Mr. Cannon, through the House to the Committee on Claims, and they had a very exhaustive hearing and an elaborate examination by the committee. The cases were all brought here and a digest was made by order of the chairman of that committee of this sort: First, was there any dispute about the facts; next, if there was any payment ever made, and thereupon under that brief of quite a number of pages the chairman, Mr. Mansur, drew his report. I asked and would ask now if you would be perfectly willing to adopt the precedent of Mr. Burnes; he did not like the idea of making an appropriation and he provided for a reference to the Court of Claims.

The CHAIRMAN. Let me call your attention for a moment to a bill introduced by Mr. O'Neill of Pennsylvania.

Mr. HENDERSON. What is the number?

The CHAIRMAN. H. Res. 8408.

Mr. HENDERSON. That is referred to our committee; that is the one just distributed.

Mr. BUTTERFIELD. I inquired of a member of the committee and I was told they would not have jurisdiction for taking these matters up except Congress referred them to you, and hence I drafted a bill.

Mr. HENDERSON. Has the Supreme Court of the United States held, in any case that where a party charters a vessel and she is laid up for repairs, that he is entitled to time compensation?

Mr. BUTTERFIELD. There is not a case on record, and I will tell you why. There are half a dozen cases in the Court of Claims and they are so clear on authorities of the English courts and the State courts that the Attorney-General never took an appeal.

Mr. HENDERSON. Then it has never been before the Supreme Court.

Mr. BUTTERFIELD. No, sir; they have never been taken before it.

Mr. HENDERSON. Have circuit courts decided it?

Mr. BUTTERFIELD. The first case that is on record is that of *Havelock vs. Geddes*, 10 East., p. 555.

Mr. HENDERSON. But I want to know whether the American courts have laid down a rule?

Mr. BUTTERFIELD. Yes, sir; in Massachusetts there is a famous case found in 10 Massachusetts, p. 192, *Kimball vs. Tucker*; also *McGilvery vs. Cowan*, 7 Gray, p. 525; another, 15 Gray, p. 237. There is a celebrated English case, *Ripley vs. Staife*, 5 Barnewell and Cresswell, p. 167, a case decided by the court of queen's bench, opinion by Chief Justice Abbott, all the judges concurring.

Mr. HENDERSON. But no Federal courts have decided it.

Mr. BUTTERFIELD. No, sir; the Court of Claims is the only court of the United States courts which has had jurisdiction over these claims.

Mr. HENDERSON. Of the total amount of original claims what is the percentage disallowed?

Mr. BUTTERFIELD. Of these?

Mr. HENDERSON. Of the total claims to any of these charter parties—you have stated there was a lot which were paid—what percentage of them were disallowed because of their being laid up for repairs, 2 per cent or 10 per cent, or what?

Mr. BUTTERFIELD. I could not give you the per cent, but I could tell you the number.

Mr. HENDERSON. I do not care about the number of claims; that gives me no idea. Suppose the total amount was \$1,000,000 —

Mr. BUTTERFIELD. I do not suppose there have been more than \$500,000, all told, of these disallowances for time lost for repairs.

Mr. HENDERSON. Allowed and paid?

Mr. BUTTERFIELD. I mean the whole thing.

Mr. HENDERSON. You mean of the entitled claims?

Mr. BUTTERFIELD. I should say a half a million possibly would exceed it.

Mr. HENDERSON. And all have been paid except —

Mr. BUTTERFIELD. Except \$73,000.

Mr. DINGLEY. Are there not a good many cases where charter parties are taken out and a statement made deducting the time the vessel was laid up and no claim rendered on the part of the owners of the vessel?

Mr. BUTTERFIELD. I ought to explain that, why there is not a greater number of claims for lost time while making repairs. Before the close of the war Gen. Meigs prepared a new form of charter party and introduced this clause: After these words, "the owner shall keep this vessel tight, stanch, strong, and well, and sufficiently manned, victualled, tackled, and ballasted, and furnished in every respect fit for merchant service at the cost and charge of the owner," he introduced "and no time lost in consequence of a deficiency in this respect shall be paid for by the United States," and that cuts them all off.

Mr. DINGLEY. And the Government since then has not been liable for the time lost?

Mr. BUTTERFIELD. Under that new contract they could not be paid for time lost in making repairs. There was another clause introduced, breakage of machinery, explosion of boilers, and many of that class of things. These charter parties were all formed on English charter parties, which were discussed, in the courts, on king's bench by Lord Ellenborough and Chief Justice Abbott, and in the courts of Massachusetts by Chief Justice Bigelow and others.

The CHAIRMAN. I think we understand it now.

STATEMENT OF GEN. ALBERT ORDWAY, COMMANDER DISTRICT COLUMBIA MILITIA.

The CHAIRMAN. I want to ask you a general question; you have control of the District militia?

Gen. ORDWAY. Yes, sir; I am commanding general of militia.

The CHAIRMAN. Do you feel you have any authority to contract a deficiency for militia?

Gen. ORDWAY. No, sir; under the general law you can not contract anything.

The CHAIRMAN. For the militia?

Gen. ORDWAY. Or for any other purpose. Under the law no executive officer can expend any money in excess of an appropriation.

The CHAIRMAN. Yet I see we have got several items before us here?

Gen. ORDWAY. There is only one item here which needs explanation, and that can be easily explained.

The CHAIRMAN. We will take the first item on page 25, "For rent, fuel, light, care of armories, \$2,750."

Gen. ORDWAY. That is the one item which really needs explanation under the general question which you asked me, and I can explain how and where that comes; the other items are of a few dollars which are not expended, contracted, or entered into. The circumstance of that deficiency for rent of armory it is possible you will remember; there was quite a question raised in regard to the amount which was appropriated for the year by Congress, \$14,000, for rent, fuel, light, and care of armories, and it became necessary to reduce the number of militia, which could only be done by mustering out a part of the force, and in selecting the part of the force to be mustered out of the service as a unit I selected a battalion of colored troops, and I selected them as is well known, not for the reason that they were colored troops, but for the reason that they were the most inefficient part of the command. One battalion had to be mustered out to bring it within the appropriation for the fiscal year. It created such commotion and disturbance and criticism that I was finally directed by the President that they must be retained.

The CHAIRMAN. So this deficiency is attributable to the direct order from the President for you to retain those troops?

Gen. ORDWAY. I would not like to put it on the President in that way.

Mr. HENDERSON. You could have mustered out white troops?

Gen. ORDDAY. Yes, sir; but it would have been most unmilitary.

The CHAIRMAN. But in order to keep yourself within the limit of the appropriation you directed these troops should be mustered out?

Gen. ORDDAY. Yes, sir.

The CHAIRMAN. If that order had not been revoked would you have kept within the limit?

Gen. ORDDAY. I would have kept within about \$800 of that limit.

The CHAIRMAN. Afterwards the President directed you to revoke the order?

Gen. ORDDAY. Yes, sir; he practically directed me to revoke the order.

The CHAIRMAN. What I want to know is, who is really responsible, whether it rests on you or the President?

Gen. ORDDAY. As a matter of absolute fairness I should say it rests upon myself. I would not put it upon the President for this reason, that I could have mustered out another battalion of white troops, but I did not think it was proper policy to make that distinction.

The CHAIRMAN. Why did not you muster out white troops in order to keep yourself within the limits of the appropriation?

Gen. ORDDAY. Simply on this ground, I determined if the thing could not be done in any other way, that rather than do that I myself was willing to pay the expense of keeping them in there or part of it.

Mr. HENDERSON. I want to say this, that when the appropriations were made in the District bill to pay the rent for the armories of the District, Gen. Ordway demonstrated, as I think, that a certain amount (I have forgotten the amount now) would be needed to furnish armories for the militia then organized in the District of Columbia. That amount was not given. He showed he could not get along with less, and so the bill went through appropriating not sufficient to pay the rent which he had to pay to keep up these armories. Now, as you ask where the fault was, I suppose it would be safe to say the fault was with Congress. He tried to bring himself down, as I understand it, by mustering out one battalion. That would relieve one armory, would it not?

Gen. ORDDAY. Yes, sir.

Mr. HENDERSON. He happened to pick out a colored battalion, and there was remonstrance and great objection to it, and he was practically invited not to muster them out by the Commander-in-Chief of the Armies, the President of the United States. Then, having failed to come within the limit of the appropriation by that method, he stopped there and kept the armories, and it forced a deficiency. Now, if I have not stated the facts correctly, then please correct me.

Gen. ORDDAY. You have stated them very correctly as far as they go, except the deficiency; as I frankly stated to Gen. Sayers, I could have kept this out by mustering out one of the battalions of white troops in place of—

Mr. HENDERSON. But those troops were all organized in pursuance of law passed by Congress for the organization of the militia.

Gen. ORDDAY. Yes, sir. I will state, however, that that item of \$2,750 can be reduced to \$2,600, actual figures.

The CHAIRMAN. The next item is "For rent and stationery, \$125."

Gen. ORDDAY. That has not been expended; it has been made necessary, however—

The CHAIRMAN. The next item is on account of expenses of drills, parades, and instructions.

Gen. ORDDAY. That had not been expended at the time the estimate was made, but \$40 was for expenses Decoration Day, and it has now been expended to pay it.

The CHAIRMAN. Has the item for printing and stationery been expended?

Gen. ORDDAY. No, sir; but the expense was made necessary by reason of the new drill.

The CHAIRMAN. The last item is "for general incidental expenses of the service."

Gen. ORDDAY. The amount there estimated for should be increased somewhat. The purpose of that is for paying court fees for bringing suits against officers. It has not been done yet, and I have had to withhold the suits.

Mr. HENDERSON. That has not been expended?

Gen. ORDDAY. No, sir; it is suits against officers.

The CHAIRMAN. You can hold that until after the 1st of July?

Gen. ORDDAY. Yes, sir; the Government can go without it. These are suits against officers for money they owe the Government.

The CHAIRMAN. How much do they owe the Government?

Gen. ORDDAY. It is for loss of property, arms, and equipments. The law provides, an officer not accounting for property satisfactorily a suit shall be brought against him in court. I have about eight or ten officers to bring suits against. Now, the other item is a matter of very large past deficiency which occurred last year and was not appropriated for. This is a matter of record. Here is a letter which explains it, with a note from Mr. Clements, which explains the whole business, and if you will permit me to read this letter with Mr. Clements's memoranda, I think it will be well, because that deficiency appears to be somewhat inexplicable. This is a letter addressed to the subcommittee of the Senate on the deficiency appropriation bill in the last Congress:

HEADQUARTERS DISTRICT OF COLUMBIA MILITIA,
Washington, D. C., February 28, 1891.

To the subcommittee on the deficiency appropriation bill:

The printed estimates of deficiency appropriations contain two items for rent, fuel, light, care, and lockers for armories for the militia of the District of Columbia, which the House committee wholly omitted from the deficiency appropriation bill for the following reasons and on the following understanding:

The amounts estimated for deficiency were based on the estimates made for the next fiscal year: But in the District appropriation bill for the next fiscal year the appropriation was reduced largely below the estimate. At the time the House committee framed the deficiency appropriation bill, the District appropriation bill was in conference, and the House committee decided that it was proper and best to wait until the amount for the next fiscal year should be fixed in the District bill, in order that the amount to be appropriated in the deficiency might be reduced to conform to it, and that the item should therefore be left open for subsequent action.

The conferees on the District bill not having agreed until after the passage of the deficiency bill in the House, and having now finally agreed upon \$14,000 as the proper amount for armory rents for the next fiscal year, the estimate for deficiencies of \$8,984.80 for rent, fuel, light and care of armories should be reduced to \$6,622.11, in order to maintain them on the basis fixed until the beginning of the next fiscal year; and the estimate for \$1,709 for lockers for armories should be reduced to \$1,264.66, and the items as thus fixed should be inserted in the deficiency appropriation bill, as was understood by the House committee would be done.

I inclose herewith a detailed statement of the basis of reduction.

I desire in this connection to call your attention to the fact that these items are not, in the proper sense of the term, "deficiencies." The amount fixed in the appropriation bill of the last session for this fiscal year was fixed without any experience or knowledge of what the requisite accommodations could be procured for. The action of Congress on the appropriation for next fiscal year is based on an absolute knowledge, and practically requires the disbandment of such number of organizations and abandonment of such armories as will bring the expense within the limit fixed. The items to be inserted in the deficiency bill are simply to carry out the balance of this fiscal year on the basis to be determined by Congress for the future.

Respectfully, yours,

ALBERT ORDDAY,
Brigadier-General, District of Columbia Militia.

The CHAIRMAN. These are actual deficiencies now?

Gen. ORDDAY. Yes, sir; they are actual deficiencies. At the bottom of this communication is a note by Mr. Clements who had charge of the matter, and the day his term expired in Congress he wrote at the bottom of this "I was designated by the chairman of the House Appropriation Committee to prepare militia items in the deficiency bill, and left out the item for rent of armories to await action of the District bill for 1892, so as to make the remainder of the year conform to that when fixed in that bill and this was explained by me to the subcommittee, J. C. Clements."

The CHAIRMAN. I see an item here "for expenses of parade for inauguration of the President, March 4, 1889, \$408; for expenses of parade as escort to the Grand Army of the Republic on Decoration Day, May, 1889, \$132.50." Now, why did you not submit this deficiency before this? This deficiency was incurred in 1889.

Gen. ORDDAY. Yes, sir; these are not deficiencies in this sense, they are not

deficiencies in the sense they have not been paid. They have been paid, but they have been paid by the officers themselves.

The CHAIRMAN. In other words, the object of this is to reimburse these officers?

Gen. ORDDAY. Yes, sir.

The CHAIRMAN. None of these are deficiencies—

Gen. ORDDAY. Yes, sir; the armory rent is a deficiency.

Mr. HENDERSON. Who owns these claims now?

Gen. ORDDAY. They are all specified in detail by each individual person.

The CHAIRMAN. You have another item, "To pay H. M. Hanks for services in charge of United States property, \$500."

Gen. ORDDAY. Yes, sir.

The CHAIRMAN. When were these services rendered?

Gen. ORDDAY. About five months preceding the 30th of June, 1891, the last fiscal year. You see, he is allowed under the general bill \$900 a year and he has charge of all United States property. There is a detailed statement.

The CHAIRMAN. Can you send to us a statement of the expenditures of these officers?

Gen. ORDDAY. Certainly, sir.

The CHAIRMAN. I do not see it here; you have just got the sum total.

Gen. ORDDAY. I can give you the exact items of it.

The CHAIRMAN. We would like to have them.

Gen. ORDDAY. Very well.

The CHAIRMAN. Why was not this \$8,000 item transmitted to us in the general estimate?

Gen. ORDDAY. I do not know. It was the fault of the District office, as I sent this in. I have not incurred a deficiency for this year absolutely, with one exception, and that is the matter of rent. You know we learn from experience.

STATEMENT OF BERIAH WILKINS, MANAGER WASHINGTON DAILY POST.

Mr. SAYERS. The Daily Post has a claim contained in House Ex. Doc. 224, which is not printed in this bill, for \$9,431.10. We will hear Mr. Wilkins on the matter.

Mr. WILKINS. On the 18th of July, according to this letter received from the clerk of the court, this bill was incurred.

The letter is as follows:

COURT OF PRIVATE LAND CLAIMS, OFFICE OF UNITED STATES MARSHAL DISTRICT OF COLORADO, *Denver, Colo., July 18, 1891.*

SIR: By the instruction of the court of private land claims I inclose you a notice for publication in your paper, as required by section 3 of said act, for a period of ninety days.

I also send by express a matrix of the advertisement in Spanish, which is prepared by the Colorado Sun Publishing Company of this city.

You will please notice a slug placed in each column on the matrix; this is to allow for shrinkage in the plates. You will be able to saw the plates at these places and then fill in with leads or slugs in order to make the full column.

Will you please set up the act in English and send me a proof of the same before publishing.

As it is the wish of the court to have these publications made as soon as possible, will you kindly attend to this at once. Provision will be made for payment of this publication by the court.

Respectfully,

JAMES H. REEDER, *Clerk.*

By THOMAS B. BALDWIN, *Deputy.*

PUBLISHER OF THE WASHINGTON POST,
Washington, D. C.

That is the authorization to print. It is signed by the court.

Mr. SAYERS. That seems to be authority to publish it in English.

Mr. WILKINS. No, we were authorized to make matrixes. He also inclosed this copy.

Mr. HENDERSON. Have you a copy of the order accompanying the bill?

Mr. WILKINS. Yes, sir; the bills are on file with the Treasury Department. We kept a copy of the order to print.

Mr. DINGLEY. Have you a copy of the paper?

Mr. WILKINS. I can get it.

Mr. SAYERS. Please send it up.

Mr. WILKINS. I will do so. It was printed every day for ninety days. The court itself deputed two of its members to decide what they should print and they decided to print the act entire, only striking out some amendments. When I got this order to print from the clerk of the court I telegraphed him to know whether we should print it in full. He answered that the law required it should be printed for ninety consecutive days prior to the opening of the court.

Mr. DINGLEY. Where is the provision requiring the printing?

Mr. WILKINS. It is section 3. I telegraphed to know whether I should print this ninety days or ninety consecutive days. I desired to know this so as not to invalidate the opening of the court. They said it should be advertised for ninety consecutive days. His letters are as follows:

COURT OF PRIVATE LAND CLAIMS,
OFFICE OF UNITED STATES MARSHAL, DISTRICT OF COLORADO,
Denver, Colo., July 28, 1891.

DEAR SIR: I have your letter of the 23d inst. with proof of public notice inclosed, which is correct.

You will please publish the same, as well as the Spanish, in your paper for ninety consecutive days, beginning at once, as the court convenes November 17.

Presume you received the matrix in Spanish which I sent you.

Respectfully,

JAMES H. REEDER, *Clerk.*

MANAGER WASHINGTON POST.

P. S.—Will you send copy of your paper containing said notice to Thomas B. Baldwin, care United States marshal's office, Denver, Colo.?

J. H. R.

OFFICE OF UNITED STATES MARSHAL, DISTRICT OF COLORADO,
Denver, Colo., August 1, 1891.

SIR: Your favor of the 28th ultimo at hand, also copies of paper of the 28th ultimo containing notices, etc.

I have instructed all papers to publish for ninety consecutive days.

The matrix error will not amount to anything.

Respectfully,

JAMES H. REEDER, *Clerk.*

BERIAH WILKINS,
Manager Washington Post, Washington, D. C.

Mr. DINGLEY. The act evidently did not contemplate the publication of the whole. It is only the substance of the act that required publication. The trouble was in not publishing a brief or synopsis.

Mr. WILKINS. That may be so. They sent us the copy, and I have no further information except the letters from Judge Reed.

Mr. DINGLEY. Your bill is for \$9,431.10.

Mr. WILKINS. Our affidavits are attached to each of these bills. The charges are the same as it would be to private parties except that we charge private parties 100 per cent more for printing in a foreign language. We do not, however, make any extra charge for that. The charge is 84 cents for each insertion.

Mr. SAYERS. In that charge you include the Spanish at the same price as the English language?

Mr. WILKINS. Yes, sir. Judge Reed said we performed the service and we ought to have our pay, but says he can not understand why the rates are so high.

Mr. DINGLEY. It could have been inserted in two inches.

Mr. WILKINS. That is doubtful.

STATEMENT OF ROBERT P. PORTER, SUPERINTENDENT OF THE CENSUS.

Mr. SAYERS. I would like for you now to let us know how much will be required for your office to run it at its present status from the 1st of July to the

1st of March, there being no increase in your office as promised in a letter addressed to me as chairman of the subcommittee on deficiency.

Mr. PORTER. I furnished a letter showing the probable cost to complete the work; the probable amount necessary to run the work for 1893, and also letters showing the probable amount necessary to run it until the 1st of March. I have figured it out.

Mr. HENDERSON. Do you refer to what is printed?

Mr. PORTER. I refer to the letters to Mr. Sayers.

Mr. HENDERSON. On what page?

Mr. SAYERS. Page 37.

Mr. PORTER. I was about to remark that I do not see any reason for any particular change in those estimates. Of course, I shall have a little more on hand on the 1st of July than I thought I would have, but naturally there are some bills perhaps that can not be paid. I think we have a bill with the Western Union Telegraph Company, involving a question of rates, for some \$7,000 or \$8,000. I think Mr. Childs told you what we had on hand at the present time.

Mr. SAYERS. \$122,228.

Mr. PORTER. The entire June payment must come out of that.

Mr. SAYERS. You have an estimated balance, July 1, of \$200,000.

Mr. PORTER. Including printing. We do not want anything more for printing, engraving, or binding. What we have will complete the work. In farms, homes, and mortgages we have got people out in the field. We will not increase the office force for farms, homes, and mortgages.

Mr. SAYERS. What I want to know is, how much will be necessary for the Eleventh Census with your force as it is now constituted (decreasing, however, as you have promised to do during the year) from the 1st day of July next until the 1st day of March next, not including any balance that may be on hand.

Mr. PORTER. That would be about \$630,000.

Mr. SAYERS. With that \$630,000 will you pay for all the work done outside of this city as well as inside?

Mr. PORTER. It will pay for everything.

Mr. SAYERS. That will pay all employees for the Eleventh Census?

Mr. PORTER. Yes, sir.

Mr. SAYERS. For farms, homes, and mortgages, not including balances on hand at the end of this fiscal year, how much will you need for that purpose from the 1st of July next until the 1st of March next?

Mr. PORTER. That needs a little explanation.

Mr. SAYERS. Give you estimate and then give your explanation.

Mr. PORTER. My estimate now would be that we would get along very well with \$100,000 as you exclude the amount that will then be on hand. With that included I should say \$150,000 would be enough, but with what we have left \$100,000 would do. We expected that farms, homes, and mortgages would cost more than it has cost. We thought we would have to put special agents into every county, but we have been sending that work to the county clerks, giving them 5, 10, or 20 cents apiece to fill out schedules, and they have done that very well.

Mr. SAYERS. That sum of money will pay all the expenses for farms, homes, and mortgages.

Mr. PORTER. That will do everything under that head.

Mr. SAYERS. Do I understand that you need no money for printing and engraving?

Mr. PORTER. Not any.

Mr. SAYERS. You need no appropriation for printing, engraving, and binding for the different volumes authorized by Congress?

Mr. PORTER. No, sir.

Mr. SAYERS. This does not include the permanent work.

Mr. PORTER. For the permanent work we have \$200,000 left. There was an appropriation of one-fourth of a million, and of that we have \$200,000 left. I want that appropriation extended together with about \$250,000 more.

Mr. SAYERS. Will the \$200,000 you have on hand, and \$250,000 more be necessary to print and bind the permanent volumes authorized by law?

Mr. PORTER. Mr. Childs has made an elaborate estimate on that. It will depend upon the number you order.

Mr. SAYERS. Does not the law specify the number?

Mr. PORTER. Only in part. You passed a bill at the last session authorizing certain volumes to be printed. All the volumes have not been authorized. The Compendium has not been authorized, and the cost of that will depend entirely on the number.

Mr. SAYERS. Please explain that to the committee fully.

Mr. HENDERSON (to Mr. Sayers). Why do you make this inquiry up to the 1st of March, and not to the end of the fiscal year?

Mr. SAYERS. Because we propose to make another appropriation. We will discuss that later.

Mr. PORTER. On page 42 there is an estimate for the large expense on the volume of Veterans of the War. That has not been authorized at all. You ought to pass a bill authorizing the printing of the population volume. I am going ahead with that, taking it for granted that it will necessarily be ordered.

Mr. O'NEIL. What other volumes have been authorized?

Mr. PORTER. Recorded Indebtedness, Railroad Transportation, and a volume on Alaska. This was due to a mistake.

Mr. O'NEIL. The item for the surviving veterans of the war is a large one?

Mr. PORTER. Yes, sir.

Mr. SAYERS. You wish that estimate adopted as a part of your present estimate?

Mr. PORTER. Yes, sir; that is the best we can make. It is based on 1,900 copies.

Mr. SAYERS. In regard to the printing and binding of these permanent volumes, how many of them (and to what extent in cost) can you reasonably expect to commence and complete by the first of March?

Mr. PORTER. I think it is important to get these amounts exact. In the first place, the Compendium is a very large item. The first volume is now practically in the hands of the printer. All the matter is in sight, and he has all the copy he can use. In thirty days he will have more. Two volumes will be out in thirty days.

The volume on Wealth, Debt, and Taxation is also in the hands of the printer. Alaska is practically ready for the printer. The expert in charge of that has been doing some work at the State Department, and as soon as he gets through there, the copy will go to the printer.

The volume in relation to Indians and that in relation to Railroad Transportation are also in the hands of the printer.

The volumes on Mineral Resources are all complete, six volumes, and are now in the hands of the printer.

I hope to have in the hands of the printer before the 1st of March the volume on Population, as well as those relating to Farms, Homes, and Mortgages, Education and Churches, Pauperism and Crime, Fish and Fisheries, and part of the one relating to Manufactures and Insurance.

I would like to correct my statement, and say that part of one volume on Population will be ready by the 1st of March. Nearly everything will be in the hands of the printer by that time.

Mr. O'NEIL. How about the statistics on Agriculture?

Mr. PORTER. I hope to have the first part of it in the hands of the printer by the 1st of next March. Part of it is now finished. I see no reason why I should not have all of those volumes in the hands of the printer by that time.

Mr. SAYERS. When will you begin to use the money?

Mr. PORTER. For the Compendium, Wealth, Debt and Taxation, Alaska, Indians, Railroad Transportation, and Mineral Resources, I will commence almost immediately. They are all pretty well advanced. When Congress adjourns, I can get them out much quicker. The number of proof-readers in our office is limited now, and there is more or less delay. I have stated what I hope to do. I am omitting new matter in regard to the Surviving Veterans of the War. That is a prodigious job.

Mr. SAYERS. Summing up the whole matter, what additional appropriation will you need for the Eleventh Census for Farms, Homes, and Mortgages; for printing, engraving, and binding, and for printing and binding the permanent reports, between now and the 1st of March?

Mr. PORTER. Leaving out the question in regard to what may be left over (because I expect \$50,000 will be left over in Farms, Homes, and Mortgages), I should want \$600,000, and \$100,000 will be sufficient for Farms, Homes, and Mortgages. Then for printing, \$250,000 ought to be appropriated. We will have some left over, but \$250,000 ought to be appropriated, so that there will be no delay. It is one of those things that can not be wasted, because it would lie there, and we shall put the volumes in rapidly. It would be unfortunate if we had them ready, and could not have them printed for lack of funds.

Mr. O'NEIL. You have \$200,000 left now, and you want \$250,000 more?

Mr. PORTER. Yes, sir.

Mr. O'NEIL. For how many copies?

Mr. PORTER. The law provides 50,000 copies of the Compendium. That alone will cost \$90,000. The law has settled on that number. I have shown that that will be out. The next is the Digest, which is a small matter of \$14,000. I will not, however, print that until the last thing. It is a digest of all the statistics—a little volume for convenience of handling, which you can have on your desk.

Mr. O'NEIL. You have two estimates?

Mr. PORTER. The volumes on Compendium and Population, we must have. I shall certainly have a part of one of them ready. I suppose they will cost \$30,000. The number has not been authorized. Then we have Wealth, Debt, and Taxation in the hands of the printer, \$23,000. Alaska, \$10,000; Indians, \$19,000; but I call for \$20,000. Railroad Transportation is in the hands of the printer, and I must have \$30,000 for that. Mineral Resources, I may get out the first volume, \$20,000. That makes \$302,000 for matter that is positively in the hands of the printer, and will be finished before this year, based on this number of copies. I do not know what Congress will order.

Mr. SAYERS. Congress has not fixed the number as yet.

Mr. PORTER. It has not as to the Compendium. For Wealth, Debt, and Taxation, it has fixed a small number.

Mr. DINGLEY. You want \$50,000 for copies of the Digest?

Mr. PORTER. Yes, sir; but that I shall not get out for the present.

Mr. SAYERS. What I want to know is: Of the copies that are authorized by law, how much money will you need between the 1st of July and the 1st of March upon that work, not looking to what may be hereafter authorized but what is authorized now?

Mr. PORTER. I ought to explain that the present law was rushed through in the eleventh hour of the last Congress. I had prepared a memorandum to show the volumes that I would probably get into the hands of the printer this year, and by mistake this memorandum was adopted instead of the law.

Mr. SAYERS. What I want to know is this: I want to appropriate under the present law. After you tell me what appropriation is necessary under the present law then you can go on and make whatever explanation you may desire to make about the defects of the law, and we will hear you.

Mr. PORTER. I have prepared this table. This table shows the cost of the 1,900 copies, and then the cost of the extra copies.

Mr. DINGLEY. Five thousand copies are authorized for Mines and Mining, and Wealth, Debt, and Taxation.

Mr. O'NEIL. Five thousand copies have been ordered for each one on this list?

Mr. PORTER. No, sir. The law does not authorize the printing of Population nor Agriculture; Farms, Homes, and Mortgages; Vital Statistics; Education and Churches; Pauperism and Crime; Indians; Fish and Fisheries; Insurance and Manufactures, nor Surviving Veterans, so that I should mislead the committee very seriously if I should base my estimate on them.

Mr. SAYERS. I want to know how much we will be compelled to appropriate under the law as it now is. Tell us that, and then state to us wherein the law is defective and how much we will have to further appropriate if the law is amended.

Mr. PORTER. Five thousand copies would cost \$16,000; on Recorded Indebtedness one volume would be about \$22,000. This is not quite exact. Transportation, \$20,000; Insurance, about \$10,000 for 5,000 copies; Social Statistics, \$16,000. On Alaska, say about \$8,000. There you have got everything authorized by law.

Mr. SAYERS. You have stated how much will be required for the volumes authorized by law. Now, state what volumes ought to be authorized by law, and their cost.

Mr. PORTER. There seems to be a total of \$212,000, which comprises the Compendium; Wealth, Debt, and Taxation; Mines and Mining; Recorded Debt; Insurance and Manufactures; Social Statistics, and Alaska, so that you see that I have a sufficient appropriation at the present time to pay for them, supposing that the appropriation be extended so that it could be used for the present fiscal year.

Mr. SAYERS. Then the committee is to understand that you do not need a dollar for the final volumes named?

Mr. PORTER. Yes, sir.

Mr. SAYERS. The number remaining is provided by law, and all you require is a provision extending the present appropriation for that period?

Mr. PORTER. Yes, sir.

Following this, Mr. Porter made some computations, including the cost of the

extra copies, when they should not have been included. Thereupon Mr. Sayers dictated to the stenographer the following form of letter, which was immediately delivered to Mr. Porter:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 11, 1892.

DEAR SIR: You are respectfully requested to furnish to the subcommittee on the deficiency a statement showing:

(1) The number of final volumes authorized by law, and the cost thereof, for each subdivision of the census.

(2) You are also requested to furnish the committee with an additional statement showing wherein the present law in regard to the final volumes of the census is defective, giving your opinion as to the number of volumes that should be printed upon each subdivision of the work, and the cost thereof.

(3) You are also requested to inform the committee as to the respective dates when the printing and binding of all of the printed volumes provided for by the present law, as suggested by you, will begin, and when they will be completed.

Very respectfully,

J. D. SAYERS,
Chairman subcommittee.

Hon. R. P. PORTER,
Superintendent of the Census.

Thereupon Mr. Henderson, a member of the committee, dictated the following form of letter to the stenographer, which was immediately furnished to Mr. Porter:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 11, 1892.

SIR: I desire you to make a statement, or careful estimate, of all the moneys that you will require to conduct the Census Bureau for the fiscal year ending June 30, 1893, taking into account the balances that you will have on hand at the beginning of said fiscal year; and also please state which, if any, of said balances should be reappropriated in order to be made available for your office.

Very respectfully,

D. B. HENDERSON,
Member Committee.

Hon. R. P. PORTER,
Superintendent of the Census.

Thereupon Mr. Dingley dictated the following letter, which was immediately delivered to Mr. Porter.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 11, 1892.

SIR: Also, please state the unexpended balances under each head, or the estimated unexpended balances under each head, on the 30th day of June, 1892.

Very respectfully,

NELSON DINGLEY,
Member Committee.

Hon. R. P. PORTER,
Superintendent of the Census.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, June 13, 1892.

MY DEAR SIR: In answer to the request contained in your letter of the 11th instant for a statement showing—

"1. The total number of final volumes of each class or subject authorized by law, and the cost of the binding and printing thereof, the cost of the volumes of each class or subject to be given separately"—

I have the honor to inform you that an act passed March 3, 1891, provided for the printing of 25,000 copies of the Compendium; 50,000 copies of the Digest; 5,000 copies of the Report on Mines and Mining; 5,000 copies of the Report on Wealth, Debt, and Taxation; 5,000 copies of the Report on Farms, Homes, and

Mortgages; 5,000 copies of the Report on Transportation; 5,000 copies of the Report on Insurance; 5,000 copies of the Report on the Social Statistics of Cities, and 5,000 copies of the Report on Alaska.

The estimated cost of printing and binding these volumes is as follows:

Title of report.	Cost of 1,900 copies.	Extra copies.		Total cost.
		No.	Cost.	
Compendium.....	\$18,500	25,000	\$45,000	\$63,500
Digest.....	815	50,000	14,000	14,815
Mines and Mining.....	17,000	5,000	10,000	27,000
Wealth, Debt, and Taxation.....	26,500	5,000	14,000	40,500
Farms, Homes, and Mortgages.....	35,000	5,000	17,500	52,500
Transportation.....	27,900	5,000	15,000	42,900
Insurance.....	16,400	5,000	7,250	23,650
Social Statistics of Cities.....	20,500	5,000	10,250	30,750
Alaska.....	6,315	5,000	4,625	10,940
Total amount.....				306,555

The above volumes (with the exception of the Digest) are either now in the hands of the Public Printer or will be within thirty or sixty days, and therefore provision should be made for the printing thereof at once. There was appropriated for this purpose by the last Congress \$250,000, of which sum there still remains unexpended about \$200,000, which will not be available after July 1. In asking for an additional appropriation for printing and binding the final volumes of the census I have taken into account this \$200,000 unexpended balance, which, with \$250,000 additional, will probably be sufficient to continue the work of printing the final volumes until March 1, 1893.

In answer to the second question—

"(2) Also a statement showing wherein the present law in regard to the final volumes of the census is defective, giving your opinion as to the number of volumes of each class or subject that should be printed and the cost thereof"—

I have the honor to say that the present law is defective, inasmuch as it does not provide for the printing of the final volumes on Population, Agriculture, Manufactures, Vital Statistics, Education and Churches, Indians, Pauperism and Crime, and Fish and Fisheries. It is absolutely necessary that the present session of Congress provide for the printing of these volumes or otherwise serious delay will occur in printing some of the more important reports of the Eleventh Census. The following is a list of these volumes, with accompanying estimate of the printing and binding:

Title of report.	Cost of 1,900 copies.	Extra copies.		Total cost.
		No.	Cost.	
Population.....	\$38,000	15,000	\$52,000	\$88,000
Agriculture.....	32,700	15,000	52,500	85,200
Manufactures.....	53,000	15,000	72,000	125,000
Vital Statistics.....	42,000	10,000	40,000	82,000
Education and Churches.....	16,400	10,000	14,500	30,900
Indians.....	15,800	10,000	19,000	34,800
Pauperism and Crime.....	16,400	10,000	14,500	30,900
Fish and Fisheries.....	17,000	10,000	20,000	37,000
Total amount.....				513,800

I have put the edition of extra copies at the lowest number. These editions will hardly furnish the educational institutions and libraries of the country with copies.

A reference to these tables brings out the fact that Congress has already authorized printing aggregating \$306,555 and appropriated for this purpose \$250,000. To print the volumes already prepared and some of which will be ready for the printer in sixty and ninety days we shall need \$513,800 additional, making a total of \$820,355. Should Congress extend the \$200,000 balance unexpended and appropriate \$250,000 in addition we shall be able to push this work in a satisfactory manner until March 1, 1893. It must be borne in mind that the Compendium and the volumes on Mines and Mining, Wealth, Debt, and Taxation,

Transportation, and Indians are now in process of printing in the Government Printing Office: Within thirty or sixty days I expect to furnish copy for the volumes relating to Insurance, Alaska, Population, Pauperism and Crime, and the Statistics of Churches. This will be followed rapidly with the copy for the volumes relating to Agriculture, Manufactures, and Fish and Fisheries. Unless provision, therefore, is made for all the above volumes and sufficient appropriation provided there will be danger of the work coming to an absolute standstill for lack of funds to print.

This answers question 3—

"3. Also a statement as to the respective dates when the printing and binding of all the final volumes provided for by the present law, and also of those suggested by you, will begin, and when they will be completed"—as nearly as it is possible to answer it. It is almost impossible to give exact dates, as delays occur sometimes at the last moment. Judging from the present forward state of the work, I should say that all the above-named volumes (those authorized and those to be provided for) should be in the hands of the printer by the close of the present calendar year, with the exception of the Digest and the volume relating to Vital Statistics.

In the above statement I have included the printing of the report on Farms, Homes, and Mortgages. I have not, however, included the cost of printing the volumes relating to the surviving veterans of the war nor the Statistical Atlas, the cost of which will be as follows:

Title of report.	Cost of 1,900 copies.	Extra copies.		Total cost.
		Number.	Cost.	
Surviving Veterans	\$172,500	5,000	\$90,000	\$262,500
Statistical Atlas	38,000	5,000	100,000	138,000

A large amount of material has been gathered in accordance with the requirements of the act relating to the collection of the names, organizations, and length of service of those who had served in the Army, Navy, or Marine Corps of the United States in the war of the rebellion, and who are survivors at the time of said inquiry, and the widows of soldiers, sailors, or marines. Unless printed the outlay for this work will be entirely thrown away.

Your honorable committee requested me to give my opinion as to the number of copies of the several volumes that should be printed and the cost thereof. I feel therefore that I can not close this communication without calling attention to the inadequate number provided for, by the present act, of the Compendium, and the volumes on Mines and Mining, Wealth, Debt and Taxation, Farms, Homes, and Mortgages, Transportation, Insurance, Social Statistics of Cities, and Alaska. In my opinion the edition of these volumes should be as follows:

Title of report.	Cost of 1,900 copies.	Extra copies.		Total cost.
		No.	Cost.	
Compendium	\$18,500	50,000	\$90,000	\$108,500
Digest	815	50,000	14,000	14,815
Mines and Mining	17,000	10,000	20,000	37,000
Wealth, Debt, and Taxation	26,500	10,000	28,000	54,500
Farms, Homes, and Mortgages	35,000	10,000	35,000	70,000
Transportation	27,900	10,000	30,000	57,900
Insurance	16,400	10,000	14,500	30,900
Social Statistics of Cities	20,500	10,000	20,500	41,000
Alaska	6,315	10,000	9,250	15,565
Total amount				430,180

Should Congress decide to thus increase the number of copies, the total cost will be increased from \$306,555, as now authorized, to \$430,180, as given in the above estimates, while the aggregate for printing the final reports of the Eleventh Census (exclusive of Veterans of the War and Statistical Atlas) will be increased from \$820,355 to \$943,980.

In answer to the question asked by Hon. D. B. Henderson, of Iowa, "to make a statement or careful estimate of all moneys that you will require to conduct

the Census Office for the fiscal year ending June 30, 1893, taking into account the balances that you will have on hand at the beginning of said fiscal year; and also please state which, if any, of said balances should be reappropriated in order to be made available for your office," I can say that a careful estimate shows the following probable unexpended balances on hand July 1, 1892:

For Eleventh Census	\$40,000
For farms, homes, and mortgages	60,000
For preliminary printing: Engraving and binding	100,000
Printing final reports	200,000

(This last appropriation does not continue over for the next fiscal year, as the other three appropriations do.)

I have already fully explained the amount of money necessary to pay for printing and binding the final volumes up to March 1, 1893. Probably \$100,000 additional will be needed, namely, \$350,000, instead of \$250,000, to continue the work through the fiscal year ending June 30, 1893. In this estimate the unexpended balance of \$200,000 must be reappropriated. I have already estimated the cost of completing the Eleventh Census, as follows:

To complete the work of thirteen divisions	\$150,000
Superintendent's office	100,000
Population	350,000
Manufactures	400,000
Agriculture	150,000
Contingent expenses	100,000
Total	1,250,000

Deducting from this amount \$300,000 already appropriated, we have \$950,000 to complete the work. The disbursements for the Eleventh Census for the month of May were \$79,964.44. At this rate the estimate for the fiscal year ending June 30, 1893, would be \$960,000. Allowing for the \$40,000 estimated balance July 1, 1892, the cost would be \$920,000. It is my intention, however, to reduce the office force as the work in the several divisions is completed, which reduction will make an average reduction of about \$10,000 per month, a greater part of which reductions will take place during the last months of this year and the spring of 1893. It will therefore require about \$840,000 to continue the work of the Eleventh Census for the fiscal year ending June 30, 1893, or, after deducting the probable balance on hand July 1, 1892, the sum of \$800,000. I have gone over this carefully, as you will see by a reference to the several communications made to Hon. J. D. Sayers, chairman of the subcommittee on deficiencies, Appropriations Committee, House of Representatives, and dated March 22, 1892, April 5, 1892, and April 25, 1892, and the letter of Chief Clerk Childs of June 9, 1892, all of which are printed under date of June 8 in testimony on the general deficiency bill.

In regard to Farms, Homes, and Mortgages, the estimate was originally \$628,425. (See report of the examination and review of the Census Office.) This was an outside estimate, and made before the office had completed a thorough examination of the returns already received, and it is safe to reduce this estimate to \$500,000, which, after deducting \$100,000 already appropriated, leaves \$400,000. I still hope, by making use of the services of county clerks and recorders instead of special agents sent into the field, to yet further reduce this estimate, and only ask the committee for \$150,000 for the fiscal year ending June 30, 1893.

In the matter of printing there will be a balance of the appropriation on hand July 1, 1892, for preliminary printing, engraving, and binding, of \$100,000, which will be sufficient to finish this branch of the work without any further appropriation.

The appropriations actually needed, therefore, to carry on the work of the Eleventh Census in all its branches for the fiscal year ending June 30, 1893, are as follows:

For printing the final reports	\$350,000
For expenses of Eleventh Census	800,000
For Farms, Homes, and Mortgages	150,000
Total amount	1,200,000

It must be distinctly understood that the estimate given above is the net amount required after making due allowance for the unexpended balances remaining over July 1, 1892. In my opinion, it will be far more economical to close up this work as rapidly as possible, and therefore all estimates are made with that in view. The appropriation of any sum less than the amount above mentioned will simply mean the dragging out of the work another year or perhaps two years. It has been my endeavor to push through to completion every inquiry, and this has been done. There has been no failure in any branch of the work, nor has the per capita cost of the Eleventh Census been any more than that of the Tenth Census, when proper allowance is made for the cost of additional investigations demanded by Congress, the completion of the work left unfinished ten years ago, and the increase of wealth and manufactures.

The Census Office is being economically managed. The salaries, including all classes of employes, average about \$62 per month, or about \$400 per annum less than the salaries paid in other Departments of the Government. The work required of clerks is far more exacting, and I sincerely wish you would call at the office and see the character of the work now in process of completion. There was a period in our work when a clerk who could write rapidly and legibly was qualified for the work of addressing circulars and envelopes for a correspondence conducted direct from this office with from three to four millions of people. Now only the better class of clerks can be used, and of such the office largely consists. These clerks in my opinion are underpaid.

It is of the utmost importance to the country that this work should be finished as rapidly as possible. The demand for statistics is simply enormous in all directions. The office has already issued about four thousand printed pages of special bulletin matter against two hundred pages total amount issued in that way by the Tenth Census, but the demand for additional bulletins and for the final reports in no way abates. Under these circumstances I sincerely hope your honorable committee will not cripple this important work by an inadequate appropriation.

The inquiry propounded by the Hon. Nelson Dingley, of Maine, "Please state the unexpended balances under each head of census appropriations, or estimated unexpended balances under each head on the 30th of June, 1892," is answered in the reply to the question of Mr. Henderson. It shows that the total unexpended balance of the four appropriations July 1, 1892, will be \$400,000.

Very respectfully,

ROBERT P. PORTER,
Superintendent of Census.

HON. JOSEPH D. SAYERS,
*Chairman Subcommittee on Deficiencies,
Appropriations Committee, House of Representatives.*

WEDNESDAY, June 15, 1892.

STATEMENT OF THE HON. W. W. H. MILLER, ATTORNEY-GENERAL OF THE UNITED STATES.

The CHAIRMAN. For the support of prisoners for 1892 you ask \$125,000. Now, for 1892, according to a report from the First Comptroller's Office, only \$11,259 has been audited?

Mr. MILLER. Well, the Comptroller does not audit a dollar until it has been paid by the marshal, and then it comes there with the vouchers of the marshal; and his books, therefore, show the amounts that have been paid, passed our office, been approved, and gone to him and ready for settlement. Just take, as an illustration: They are running this jail in the District of Columbia with the money of the merchants and people who are furnishing the supplies now. I suppose we are six or eight thousand dollars in debt there this minute.

Mr. HENDERSON. What is your lowest estimate for the paragraph there? When you were here before, Mr. Hodges and all of you stated that \$175,000 was an error, and that it ought to be \$125,000; is that the amount you feel assured will be needed?

Mr. MILLER. We have no doubt that it will be needed.

The CHAIRMAN. Can you inform us as to how you arrive at that estimate for \$125,000?

Mr. MILLER. You will remember Patrick Henry says there is no way of judging of the future but by the past. We took the lamp of experience and made the best forecast we could as to the future. Of course it is an estimate. We can not tell, as it frequently happens there may be more prisoners. The truth of the matter is, as I said before, in regard to these expenses, the great increase of that is down about the Indian Territory, and, as you know, you can go in there and get just as many criminals as you have got time to arrest and try.

The CHAIRMAN. You think you will need that \$125,000?

Mr. MILLER. I think there is no doubt about it.

Mr. PERRY. It costs about \$1,200 a day for subsistence alone.

The CHAIRMAN. You say it costs \$1,200 for subsistence alone?

Mr. PERRY. Yes, sir.

The CHAIRMAN. Can you give any other items?

Mr. PERRY. I suppose there will be \$40,000 for gratuities paid to discharged prisoners, then transportation to the place of conviction, \$5 in money and a suit of clothing, and that would make it nearly five hundred and eighty-odd thousand dollars; and then there are doctors' bills and clothing and various miscellaneous items in connection with prisoners confined in jail; and this Government runs two jails of its own, one here and one at Fort Smith, and that includes the pay rolls of the guards.

The CHAIRMAN. For 1891 the same reasons exist for that fiscal year as it does for the fiscal year of 1892?

Mr. PERRY. Precisely. These bills frequently do not come in for six months or a year, and sometimes longer than that, from the sheriff or jailor or warden, for keeping these prisoners.

The CHAIRMAN. At what places are the expenditures made for the support of prisoners, at Washington or by the marshals?

Mr. PERRY. We have contracts with every sheriff, jailor, and penitentiary keeper in the United States nearly. The Government uses over a thousand jails, and between forty and fifty penitentiaries and reformatories. These bills are sent to the marshal, and he pays them. He sends them to the Department of Justice for approval, and when they are approved they are returned to the marshal for payment.

The CHAIRMAN. Then these bills are not audited until after they are paid?

Mr. PERRY. Not by the accounting officer of the Treasury, nor are they paid until they are passed by our Department. Then, of course, you know about the contracts for the prisoners being abolished, and that makes a difference perhaps of \$80,000, I should say.

Mr. HENDERSON. Has all this amount for 1891 been approved by the Attorney-General's Office?

Mr. PERRY. I can not say positively—

Mr. HENDERSON. It seems to be an exact amount.

Mr. HODGES. That amount is made up by the accounts in the hands of the First Comptroller's Office for the year 1891, as stated in his letter of April 13, 1892, of \$17,924.66; and the remainder of it is made up by statements of accounts submitted by the marshals to the Attorney-General, amounting to \$80,618.53, the two added together making the amount submitted for the deficiency. It consists, then, of two characters of accounts; those accounts which have been paid, submitted to the Auditor, and certified as ready for payment by the First Comptroller when the money is available.

The CHAIRMAN. That is \$17,000?

Mr. HODGES. Yes, sir.

The CHAIRMAN. That much had been paid?

Mr. HODGES. That is the amount still a deficiency; unpaid accounts in the hands of the First Comptroller.

Mr. MILLER. It has been paid by the marshal, but has not been paid by the Government; is that correct, Mr. Hodges?

Mr. HODGES. Yes, sir.

The CHAIRMAN. How did the marshal get the money?

Mr. HODGES. He advanced it.

Mr. MILLER. I suppose the United States Government is owing the United States marshals to-day, oh, well, many thousand dollars; I suppose \$100,000, maybe more.

The CHAIRMAN. Then, I understand from you, this amount of \$17,924 has never been paid by the Government?

Mr. MILLER. That is it.

The CHAIRMAN. Now, for 1890 you ask a deficiency of \$62,070.87?

Mr. HODGES. Is that for prisoners?

The CHAIRMAN. Yes, sir; support of prisoners.

Mr. HODGES. \$16,120.03 is in the hands of the First Comptroller, by his letter of April 13, 1892, and the remainder is \$45,950.82, in the hands of marshals unpaid. This all appears in Ex. Doc. No. 201, which we have submitted to you.

The CHAIRMAN. The next item is "Pay of bailiffs." For 1892 you estimate \$27,000. We have no report from the First Comptroller as to 1892 regarding this item.

Mr. WEST. The Comptroller had on hand when he made this report of June 10 \$194.45 for pay of bailiffs for 1892. That is the reason there is no balance appearing due for the marshals. He thought the amount was not sufficient to pay, including the third quarter of 1892, leaving one entire quarter out, not provided for.

Mr. HENDERSON. Are you speaking of 1892?

Mr. WEST. Yes, sir.

Mr. HENDERSON. What amount do you estimate for 1892?

Mr. WEST. We did not make any estimate in our letter at all.

Mr. HODGES. Pay of bailiffs United States courts, additional amount required for 1892, \$50,000.

The CHAIRMAN. \$27,000 it is here.

Mr. HODGES. He says \$50,000 for statement of deficiencies 1891-'92.

The CHAIRMAN. I am speaking of 1892 alone, \$27,000.

Mr. HODGES. That is what the Department estimates it at.

Mr. HENDERSON. The Department of Justice estimates it at \$27,000?

Mr. HODGES. Yes, sir.

Mr. HENDERSON. Does anyone else estimate it differently, is there any different estimate from that?

Mr. HODGES. Not submitted by the Department.

The CHAIRMAN. Now, I understand you to say, when this letter of June 10 was written to me, that there was a balance of how much?

Mr. WEST. \$194.45.

The CHAIRMAN. And the last quarter unprovided for?

Mr. WEST. Yes, sir.

The CHAIRMAN. For 1891 you asked for \$35,888.77, and the audited accounts were \$17,924.60; and the explanation in regard to this item is the same as the previous item?

Mr. MILLER. Certainly. You see this is the way. When there is a fund out of which advances can be made to marshals for this purpose, we advance the money and the marshals pay the bills and send their accounts to the Comptroller for auditing; when we have not any funds, when the fund is exhausted, we can not send them any money and they can not pay any bills, and, therefore, they can not send any accounts to be audited to the Comptroller's office.

Mr. HENDERSON. Under this, then, the marshal sends a statement of what he has contracted for or obligated for.

Mr. MILLER. Well, he may and he may not.

Mr. HENDERSON. He sends his account without receipted vouchers?

The CHAIRMAN. But the auditor will not audit the same unless they have been actually paid.

Mr. MILLER. They do not pass us unless they are actually found—

Mr. HENDERSON. Is it not true, as a rule, that the marshals go to the bank and borrow money to pay; they have got to pay witnesses and jurors, etc?

Mr. HODGES. Yes, and they pay 12 per cent, one man I know of, for \$25,000.

Mr. MILLER. The marshal of one of the large districts was in here the other day with his banker, and he said that he had exhausted all the money that we had given him, and that he had exhausted his credit; and he cited us to his banker there who would not advance any more money. He asked me if I could give him some money. We had a little money on hand, and I think we gave him \$2,000, and he said that would "grease" him a little.

The CHAIRMAN. For 1890 you ask for \$1,155.50?

Mr. HODGES. Yes, sir; that is all in the hands of the marshals.

The CHAIRMAN. The next item is "miscellaneous expenses." For 1892 you ask for \$33,000?

Mr. HODGES. Yes, sir.

The CHAIRMAN. The First Comptroller's office reports that \$2,545.66 have been audited for 1892, which I understand not to have been paid by the Government, but just simply audited.

Mr. WEST. Balances have been certified and declared to be due to the marshals.

The CHAIRMAN. Balances—

Mr. WEST. Amounting to \$2,545.66.

Mr. HENDERSON. Certified by whom?

Mr. WEST. The First Comptroller.

Mr. HENDERSON. These are debts that can not be contracted unless the Attorney-General authorizes them?

Mr. HODGES. Yes, sir; that is so; and they are not paid.

Mr. MILLER. You passed a bill and you provided, in Ohio, that there shall be three more places for holding courts, and you did not provide in your bill any fund for the payment of rent. It is the duty of the Attorney-General clearly to provide a place for the court to hold its sessions, and to do that he has got to rent a room and supply janitors, watchmen, and that sort of thing.

Mr. HENDERSON. Hence, in making authorizations of this class of expenses, you consult the law creating the necessity, and the necessities of the courts, without considering so much the condition of the appropriation?

Mr. MILLER. I consider the whole, and keep it down as low as I can.

Mr. HENDERSON. But knowing no money exists, you must be creating a deficiency?

Mr. MILLER. Yes, sir; we have either got to do that or disregard the law, which requires courts to be held. Here, for instance, comes up a great murder case. Now, I can say that this court shall not have a stenographer for that case, and I can defeat justice by doing it; or, on the other hand, I can say, "You may employ a stenographer at not exceeding so many dollars per day," and keep it down to the lowest number of days possible. I have the choice between which course I will pursue, and there seems to be no question which I ought to do.

Mr. HENDERSON. The bills are all in for that \$33,000?

Mr. HODGES. They are all itemized here in that document, No. 201. There is a tabular statement of all expenses, and itemized statements of them all. That last remark applies only to 1890 and 1891, as 1892 is only an estimate, as near as we can make. The deficiency for 1890 was \$25,000, appropriated by Congress. There are accounts unpaid in the hands of marshals amounting to \$8,000; you add the \$25,000 to the \$8,000 and it makes \$33,000 deficiency, certainly.

Mr. O'NEIL. The same thing is true, I suppose, of 1890-91?

Mr. HODGES. Yes, sir.

Mr. HENDERSON. Only in those cases you have the items?

Mr. HODGES. The statement made by the Comptroller and the request for deficiency by the Department of Justice are based on the items found in Document No. 201, which explains the whole.

Mr. O'NEIL. The next item is "Rent of court-house." Mr. Attorney-General, you stated something about rent of court-house among miscellaneous items.

Mr. MILLER. Well, I misread that. If you will look at the top of the bill on page 60—"including the employment of janitors and watchmen in rooms or buildings rented for the use of courts"—

Mr. O'NEIL. So miscellaneous items does not include rent?

Mr. MILLER. No, sir; that is separate here.

Mr. O'NEIL. This item for \$20,000 is for rent of buildings which you are compelled to hire for court purposes?

Mr. MILLER. Yes, sir. For instance, there are new places provided for holding court or any place where the Government has not got a court building.

Mr. O'NEIL. How is it you have a deficiency for 1891 for that same purpose; because it came after Congress adjourned on the 4th of March, 1891?

Mr. MILLER. Yes, sir.

Mr. WEST. There appears to be accounts certified for rent for 1891, \$20,825.45.

Mr. HODGES. Since that first statement was made some other accounts have come in.

Mr. O'NEIL. The next item is, "Expenses of Territorial courts in Utah;" for 1892 you ask \$25,000; what is that for?

Mr. MILLER. As I told you the other day, that includes the keeping of prisoners in Utah. The prisoners in Utah are not kept out of the general fund for that purpose. The appropriation for 1892 was \$40,000, and the cost of keeping the prisoners for that year there will be very near or quite that amount. There are about 210 or 215 of those prisoners.

Mr. HODGES. The list which came in yesterday for the month of May amounts to 240 prisoners.

Mr. MILLER. There you have an illustration of how difficult it is to estimate.

Mr. WEST. You may add in addition to support of prisoners, fees of commissioners acting as magistrates, and fees of district attorneys, etc., which come from this appropriation.

Mr. O'NEIL. In 1891 your estimate was \$45,000.

Mr. MILLER. Yes, I suppose if we would look up the data we would find at that time the number of persons was substantially less, and we thought that the expense would be less.

Mr. O'NEIL. You ask for a deficiency for 1891 of \$22,000. That would appear to show you needed about \$65,000 a year at least?

Mr. HODGES. That is the calculation the Department has made.

Mr. O'NEIL. But you sent in \$45,000 only for each of the last three years?

Mr. HENDERSON. In regard to the 240 prisoners; that is an increase of 40 over what you estimated for May?

Mr. HODGES. Yes, sir; we made an estimate of expenses for about 204 to 210 prisoners, and the list came in yesterday showing 240 for the month of May in the penitentiary.

Mr. O'NEIL. How much a month does it cost?

Mr. HODGES. It costs from \$4,200 to \$5,000 a month.

Mr. HENDERSON. What does it cost per month per prisoner?

Mr. HODGES. If it is \$5,000 a month, it will make—

Mr. HENDERSON. You did not understand my question; I say how much per prisoner a month.

Mr. HODGES. I do not know whether this report shows it. (Examining report.) It does not show anything but the name of the prisoner, the district, the crime and term of sentence, date of confinement, etc. This does not show the per diem expense.

Mr. O'NEIL. That is less than \$25 a month for each prisoner; it is very cheap. Now, I see for 1890 you ask \$750?

Mr. WEST. These are all certified accounts by the accounting officers.

Mr. O'NEIL. That would bring that appropriation up to \$51,600, it being a big jump from 1890 and 1891?

Mr. MILLER. Was not there an appropriation for a deficiency last year for 1890?

Mr. O'NEIL. That is included in the \$50,987. Unquestionably there was; but that does not alter the fact there was a great jump in 1890 and 1891.

Mr. HODGES. But there is a deficiency in 1891 of \$11,000.

Mr. O'NEIL. You ask \$22,000 for 1891.

Mr. HODGES. \$22,547.54; then in the hands of marshals, \$11,006.02.

Mr. O'NEIL. That brings 1891 up to about \$63,000, as against \$52,000 in 1890.

Mr. HODGES. I think we got a deficiency in 1890.

Mr. O'NEIL. You did get one, because your estimate for 1890 was only \$45,000.

Mr. HODGES. And we got a deficiency of how much?

Mr. O'NEIL. I do not know; but the total appropriation of \$50,987 shows clearly you got a deficiency.

Mr. HODGES. I think so.

Mr. O'NEIL. How many more prisoners did you have in 1891 than in 1890?

Mr. HODGES. I think they have been gradually increasing. I can not say that they have increased every month, but they have increased every quarter for two years.

Mr. O'NEIL. Now, in 1889, you ask for \$2,770.51?

Mr. COURTS. For the fiscal year the regular appropriation was \$40,000, deficiency \$10,987, which makes the total as stated in the bill.

Mr. HODGES. Now, these expenses in 1889, Territorial courts of Utah, most of that year, 1889, were incurred by the former marshal, and he never had enough money to pay them. He turned them over to his successor this year, who presented them to the Department so they could come before Congress for payment.

Mr. O'NEIL. They stated when they were here the other day—

Mr. HODGES. The deficiency for 1892 was \$521.77.

The CHAIRMAN. Actual or anticipated?

Mr. HODGES. That is actual; statement of the First Comptroller.

Mr. O'NEIL. In regard to the next item of rent and incidental expenses, Territory of Alaska, you stated when you were here the other day that you really needed \$1,000.

Mr. HODGES. Yes, sir; whether it is appropriated originally or in the deficiency bill.

The CHAIRMAN. For 1890 you received \$500, and you asked for \$304.05?

Mr. WEST. Yes, sir; that is certified by the Comptroller.

The CHAIRMAN. The next item is "Circuit court of appeals; for salaries and expenses of the circuit court of appeals, \$5,000.

Mr. HODGES. You want to take out the words, "salaries and" and say, "expenses for circuit court of appeals." The Department does not touch the salaries paid.

Mr. MILLER. There is a memorandum we have just made up in reference to that [handing same to clerk].

Mr. HENDERSON. How do you want that?

Mr. HODGES. The Department only defrays certain expenses of the court and does not pay any salaries.

Mr. WEST. Will it not be best to let this appropriation go as an original appropriation to which this is a deficiency?

Mr. HENDERSON. What is the cause of this \$5,000 deficiency?

Mr. MILLER. The appropriation which was made when the bill was passed was not enough to cover those expenses for that year.

Mr. HENDERSON. The assumption as to the date when they would begin to draw their salaries was—

Mr. MILLER. The truth of the matter is as to that; the failure to appoint the judges until quite late saved the Government money; but the courts were organized and district judges were called in, so the incidental expenses of the courts went on. Mr. Hodges has had made up a statement showing the expenses of the circuit court of appeals.

The CHAIRMAN. Since July 1, 1891.

Mr. HODGES. Yes, sir; that shows what part of the appropriation goes in that direction.

The CHAIRMAN. How much do you need for salaries and expenses of the circuit court of appeals?

Mr. WEST. The Comptroller's office could not estimate the expenses because they did not know what they would be, and they left that with the Attorney-General. If you add the Attorney-General's estimate to the \$25,380.50 that would be the amount which is necessary to defray the expenses and pay the salaries.

The CHAIRMAN. This is \$5,000 estimated here. [To Gen. Henderson.] This gentleman says \$5,000 is not sufficient for the salaries.

Mr. WEST. I say it will take \$25,380.50 to pay the salaries for April, May, and June.

The CHAIRMAN. So this \$5,000 ought to be added to the amount in order to meet the expenses?

Mr. WEST. Yes, sir.

Mr. HENDERSON. Then you make it \$25,000 plus \$5,000?

Mr. WEST. Yes, sir.

The CHAIRMAN. Now, I want to know why you need the \$5,000 for expenses; can you give any information on that point?

Mr. HODGES. That is the best we can arrive at. You know it was estimated by Judge Reed he would need \$20,000, and the Department sent you his letter to be considered. Subsequently, in the office, in talking it over, he said he was mistaken and he would not need so much money, and that \$5,000 would be probably all that would be needed. He being on the ground, ought to be able to judge what the expense would be better than anyone else.

The CHAIRMAN. You are now speaking of private land courts?

Mr. HODGES. Yes, sir.

The CHAIRMAN. I am speaking of the circuit court of appeals.

Mr. HODGES. Yes, sir; that is another matter. You have got a list there which shows how much has already been expended; \$16,505.67. The Department ceased sending money to these marshals for the last—I do not know how many weeks—and one or two courts have been held, and we do not know but what one or two courts have been held, of which we do not know.

Mr. WEST. There are nine courts which have been provided for, and the Chief Justice and associate justices of the Supreme Court have to go there, and we have to pay their expenses and the expenses of the judges that may attend. That is a little over \$600 a court, and for a justice to go from here to San Francisco would take—

Mr. HODGES. At least \$10 a day.

Mr. WEST. Yes, sir.

The CHAIRMAN. Let me understand you; how much was appropriated for the circuit court of appeals for 1891?

Mr. HENDERSON. The foot note of the clerk says \$60,000 for 1892.

The CHAIRMAN. This appropriation of \$5,000, together with the item for payment of salaries will meet all deficiency for both years—1891 and 1892?

Mr. HODGES. Yes, sir.

Mr. HENDERSON. Mr. Courts, Ex. Doc. No. 37 brought in this deficiency?

Mr. COURTS. Yes, sir.

Mr. HENDERSON. That gives the amount required as \$42,000; and now I understand it is only \$25,000. Why is this difference—

Mr. WEST. This matter of salaries we can state exactly what the amount will be, for the reason the judges are all appointed, and the marshals and clerks, and the salaries being fixed we can ascertain them. Then, at a conference by the Secretary with a gentleman from my office, the First Comptroller's Office, the amount of salaries was added to what was supposed to be the amount of expenses, and it was supposed the amount of expenses necessary would be \$15,000 to \$17,000 at that time, and we are still of opinion that \$5,000 will not pay the expenses, and you will have another deficiency.

Mr. HENDERSON. There is quite an element of speculation in that estimate?

Mr. WEST. Yes, sir.

Mr. HODGES. It is want of experience.

Mr. WEST. It is the first time we have had any experience with that court.

The CHAIRMAN. The next item is "Court of Private Land Claims; for expenses of the Court of Private Land Claims \$25,000." Now, please explain that item as fully as you can.

Mr. WEST. The salaries of the judges will be \$4,601.60.

The CHAIRMAN. Is that included in the \$25,000?

Mr. WEST. That is included in the \$6,294.30 that was in our letter of June 10. That only includes the salaries, it does not include the expenses; and Mr. Hodges was speaking of the large amount of expenses which was submitted by Judge Reed, \$20,000.

The CHAIRMAN. What is the estimate for the salaries and expenses of the Court of Private Land Claims?

Mr. WEST. The salaries will be \$6,294.30.

The CHAIRMAN. Now, the expenses?

Mr. WEST. The Attorney-General has the expenses here, I suppose.

Mr. HODGES. He estimates \$5,000 for a deficiency.

The CHAIRMAN. And instead of \$25,000 he wants something over \$11,000?

Mr. WEST. No, that would be \$18,000 or \$19,000.

The CHAIRMAN. Where do you get the remainder?

Mr. WEST. Oh, I see, he estimates \$5,000 added to the \$6,294.

The CHAIRMAN. Then instead of \$25,000—

Mr. WEST. It would be \$11,294.30.

Mr. HENDERSON. Let me see if I understand this. You are on the Court of Private Land Claims, and this paragraph is for the expenses of that court, it does not say anything about salaries?

Mr. WEST. That is the question—

Mr. HODGES. We propose to put these two together in the item if the appropriation is to be asked for; the other \$5,000 is an estimated deficiency.

Mr. HENDERSON. Have we had an estimated deficiency for salaries?

Mr. HODGES. He has just estimated it.

Mr. HENDERSON. Is there any communication or has any document been sent here about salaries for the judges of the Court of Private Land Claims?

Mr. WEST. Yes, sir; in this letter transmitted June the 10th from the First Comptroller.

Mr. MILLER. The reason why these should be put together, general, if you will permit me, is that the court was organized and a general appropriation was made for the payment of salaries and expenses for that court and this is to supplement that.

The CHAIRMAN. And so, general, in place of \$25,000 they estimate something over \$11,000 for both purposes?

Mr. HENDERSON. Does that take care of this newspaper printing estimate?

The CHAIRMAN. No, sir; that is independent.

Mr. HENDERSON. That will have to be appropriated for separately?

The CHAIRMAN. Yes, sir.

Mr. HENDERSON. Then this \$25,000 can be cut down to \$11,294.30, and to the word "expenses" should be added the words "salaries and?"

Mr. HODGES. That is what they say now.

The CHAIRMAN. The next item is "defense in Indian depredation claims: for

salaries and expenses defense of the Indian depredation claims, \$7,600." You submitted an estimate for \$17,600, and \$10,000 has been appropriated toward it?

Mr. MILLER. Yes, sir; and the estimate on which this is based you will find fully stated in a letter which has been printed here and which you have among your documents, giving the number of employes and expenses.

Mr. HENDERSON. Is that a letter from you?

Mr. MILLER. Yes. I want to say right here that I am anxious that the appropriation shall be made in the amount stated, because there is no part of the Department work in which there is so strong pressure as there is right there. I take it the Government in passing that law providing for submitting those claims to the Court of Claims intended they should be dispatched with reasonable promptness.

The CHAIRMAN. I take it that the question that is now before us more particularly is this: Is the \$7,680 to pay expenses that have been incurred or will be incurred during this fiscal year?

Mr. MILLER. Yes, sir; that is just this position. If you say you will not give this, we will have to chop off and stop. We have got the men now in the field, you know.

The CHAIRMAN. Then I understand from you that a considerable portion of this \$7,680 has already been made a liability?

Mr. MILLER. Some of it; I do not know how much. Of course, we can only do what there is between now and the 1st of July. If the \$7,680 is not all expended, of course it goes right back into the Treasury.

The CHAIRMAN. Have you got men in the field?

Mr. MILLER. Yes, sir.

Mr. HENDERSON. What do you mean by having men in the field?

Mr. MILLER. Taking depositions.

Mr. HENDERSON. You have lawyers in the field?

Mr. MILLER. Yes, sir; lawyers taking depositions.

Mr. HENDERSON. Specially employed?

Mr. MILLER. Specially employed for that purpose.

Mr. HENDERSON. Now you put in an estimate for \$17,600, and in the original deficiency bill we gave you \$10,000?

Mr. MILLER. Yes, sir.

Mr. HENDERSON. Thinking that would carry you through this fiscal year. If that is sufficient for this fiscal year, we do not want \$7,600 on here, and we want that to go in where it belongs, in the Indian appropriation bill, or to whatever bill it belongs.

Mr. MILLER. I will tell you what I will do about that. As soon as I get back to the office I will ask Mr. Colby, who is Assistant Attorney-General in charge of this, to ascertain the exact facts about it and I will write you fully.

Mr. HENDERSON. We are perfectly willing to face deficiencies that are incurred, but we do not want things put in as deficiencies that ought to go in other bills.

Mr. MILLER. Yes, sir.

The CHAIRMAN. The question I want to ask you is this, suppose this bill should become a law, say, after the 1st day of July, and the money is appropriated as you ask for it. Will you have incurred liabilities up to the 1st day of July to call for the use of this money?

Mr. MILLER. I would rather not answer that until I go back to the office and get the data.

The CHAIRMAN. Then you will write us fully?

Mr. MILLER. Yes, sir; I will give you the facts fully. I did not think Mr. Colby would need to come up because I had forgotten there was anything in the deficiency bill pertaining to his Department.

The CHAIRMAN. The next item is, on page 63, "Expenses United States court, Indian Territory." For the fiscal year 1892 you ask \$700; is that estimated deficiency or an actual one?

Mr. HODGES. For 1892?

The CHAIRMAN. Yes, sir.

Mr. HODGES. Is that for expenses of judges holding court at places in the Indian Territory other than at Muscogee?

The CHAIRMAN. It says, "To pay the actual traveling and other expenses of the judge of the United States court holding court in the Indian Territory other than at Muscogee, in accordance with the act of May 2, 1890." Does the law authorize the payment to these judges of the expense of traveling from court to court?

Mr. HODGES. Yes, sir; it does.

Mr. MILLER. It provides for holding court at Ardmore, McAllister, and two or three other places besides Muscogee.

Mr. HODGES. I will say the expenses for 1892 are—

The CHAIRMAN. You have no deficiency for 1890, this here is for 1891 and 1892?

Mr. HODGES. That is so. I believe the marshal paid the expenses for 1890, he happening to have the money on hand and he did not have the money on hand for 1891, and that estimate for 1892 is an estimate, and you can judge whether it is correct or not.

The CHAIRMAN. The last item is "deputy marshals in Oklahoma."

Mr. HODGES. The action of the Attorney-General shows he was not inclined to give all they charged. I have forgotten how much they charged—\$60,000 or \$65,000.

Mr. MILLER. You know you passed an act requiring—or rather the last Congress passed an act requiring the Attorney-General to ascertain these expenses and present the account for them, and we did that the best we could, and cut them down to the lowest point we possibly could, and this is the amount.

The CHAIRMAN. You think that the estimate of \$16,000 is a fair estimate?

Mr. MILLER. I thought so when I presented it, and I think so now.

The CHAIRMAN. And it is the result of your investigation according to the act of the last Congress?

Mr. MILLER. Yes, sir; that is exactly what it is. Here is the provision in regard to the payment of expenses of United States courts, Indian Territory: "The judge of the said court shall hold at least two terms of said court in each year and each division aforesaid at such regular times as said judge shall fix and determine, and shall be paid actual traveling expenses and subsistence while attending and holding court at places other than Muscogee."

Mr. HENDERSON. That forces those two items.

Mr. MILLER. It seems so.

INDEX.

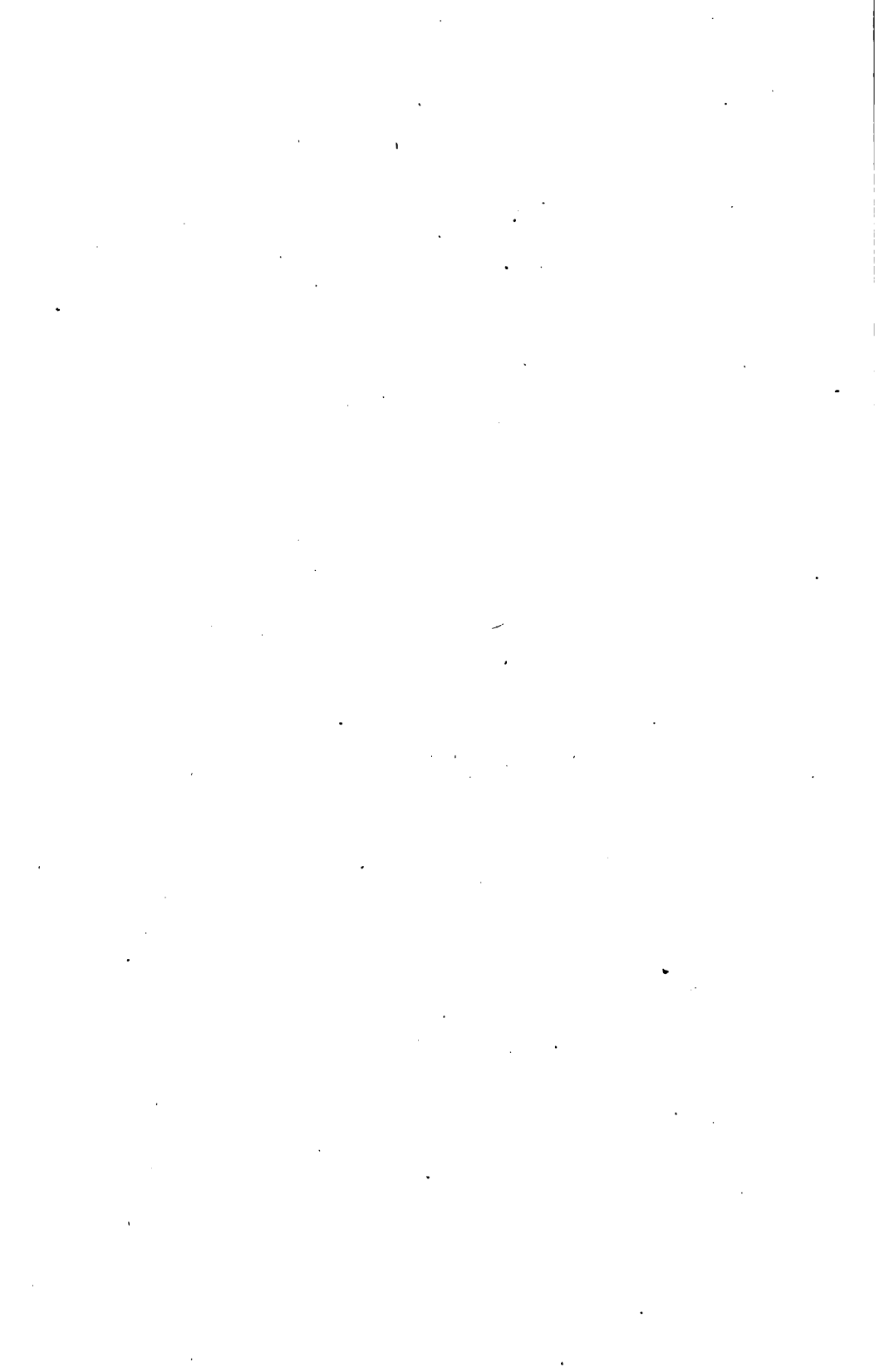
	Page.
Army and Navy hospital.....	26
Assistant United States attorneys.....	62, 64
Auditor District of Columbia.....	26-31
Bailiffs, etc., United States courts.....	64
Bartlett, Geo. A.....	80
Batchelder, Gen. R. N.....	25, 26
Beggs, E. Y.....	86
Brown, J. Mills.....	44, 45
Brownlow, John.....	83
Butterfield, J. W.....	94
Caine, Hon. Jno. T.....	85
Casa Grande.....	59, 60
Census deficiencies.....	33-42
Childs, A. F.....	33-42
Commissioners District of Columbia.....	31
Committee stenographers.....	78
Comstock, J. M.....	6, 7
Cooley, W. B.....	46-48
Corson, Robert R.....	22
Courts, United States, expenses.....	88-90, 110
Dapray, St. Julian J.....	7, 11-13
Daskam, Eugene B.....	20, 21
District Commissioners.....	31
District of Columbia deficiencies.....	26-32
Douglass, J. W.....	31
Drummond, A. L.....	22-24
Edmunds, Mr.....	58, 59
Ernst, Col. O. H.....	26
Ferrell, Louis.....	61-63
Ficke, Mayer.....	3-5
Fort Reno.....	25
Foster, Hon. Charles.....	21
Foster, Mr.....	52
Fox and Wisconsin River overflow.....	65, 66
French, George H.....	73, 74
Gisburn, J. R.....	45, 46
Greenville, S. C.....	7-9
Greely, Gen. A. W.....	26
Hammett, Dr. C. M.....	31, 32
Hartshorn, E. W.....	74, 75
Hayes, Hon. W. T.....	80, 83
Health department, District of Columbia.....	31, 32
Hichborn, Philip.....	45
Hodges, Mr.....	48-58
Hot Springs, Ark.....	26
Houk, L. C., deceased.....	80
Indian service deficiencies.....	42-44
Interior Department:	
Bureau of Indian Affairs.....	42-44
Bureau of Pensions.....	44
Census Bureau.....	33-42
General Land Office.....	58-60
Internal Revenue deficiency.....	6
Interstate Commission.....	15-19
Justice, Department of, deficiencies.....	48-58
Karron, Robert.....	71-73

	Page.
Keystone Bank, Philadelphia	22-25
Kieckhoefer, Francis J	13-15, 66-68
Lacey, Edward S	31, 22, 24, 25
Lafferty, George C., committee stenographer	78
Los Angeles, Cal	7-9, 11-13
Low, James P	7-11
Mason, John D	6
Matthews, A. C	64
Military telegraph	26
Miller, Hon. L. M	65, 66
Miller, Hon. W. H. H	48-58, 88, 93, 110
Milwaukee, Wis., public building	9, 90
Morgan, T. J	42-44
Morrison, Col. William R	15-19
Navy Department:	
Bureau of Construction and Repair	45
Bureau of Medicine and Surgery	44, 45
Paymaster-General	61
North American Commercial Company	19, 20
Official Reporters of debates	76
Official stenographers to committees	79
Ordway, Gen. Albert	98
Parsons, George B	94
Petty, J. T	26-31
Porter, Robert P	34-40, 102
Post-Office Department deficiencies	46-48
Powell, J. W	46
Public buildings and grounds	26
Railroad commission of Georgia	16
Redway, Mr	59, 60
Reeves, Francis B	22-24
Rock Island Bridge	3-6
Sampson, Alexander	60
School and training ships	71-75
Seal Islands, inhabitants	19, 20
Signal Service	26
Spaulding, O. L.	19, 20, 23, 24, 56
Spring Garden Bank, Philadelphia	22-25
State Department:	
Bureau of Accounts	13-15, 66-69
Consular agencies	71
Consular Bureau	13-15, 70, 71
Chargé d'affaires	69
Rents, etc., consuls	70
Statesville, N. C.	7-9
St. Clair, F. O	13-15
Stewart, Edwin	61
Stone, W. M	58-60
Surveying public lands, deficiency	59
Territorial courts, expenses	64
Towles, Maj. T. O	93
Trammell, L. N	16
Transportation of silver coin	21
Treasury Department:	
Accounts division	7, 11-13
Assistant Secretary	19, 20, 23, 24, 56
Comptroller of Currency	21, 22, 24, 25
Customs division	6, 7
First Comptroller	61-64
Fourth Auditor's Office	71-73
Heating apparatus, public buildings	7-11
Import duties, refund	6, 7
Public moneys division	20, 21
Second Comptroller	73-75
Secret service division	22-24
Supervising Architect's Office	7-13

	Page.
United States marshals	64
United States courts, expenses	88-90, 110
Vicksburg, Miss	7-9
War Department:	
Construction and Repairs	25, 26
Ordnance	45, 46
Quartermaster-General	25, 26
Transportation of Army	25
West Point	25
White, John H., Official Reporter	76
Wilkins, Beriah	101
Willits, Edwin	64, 65

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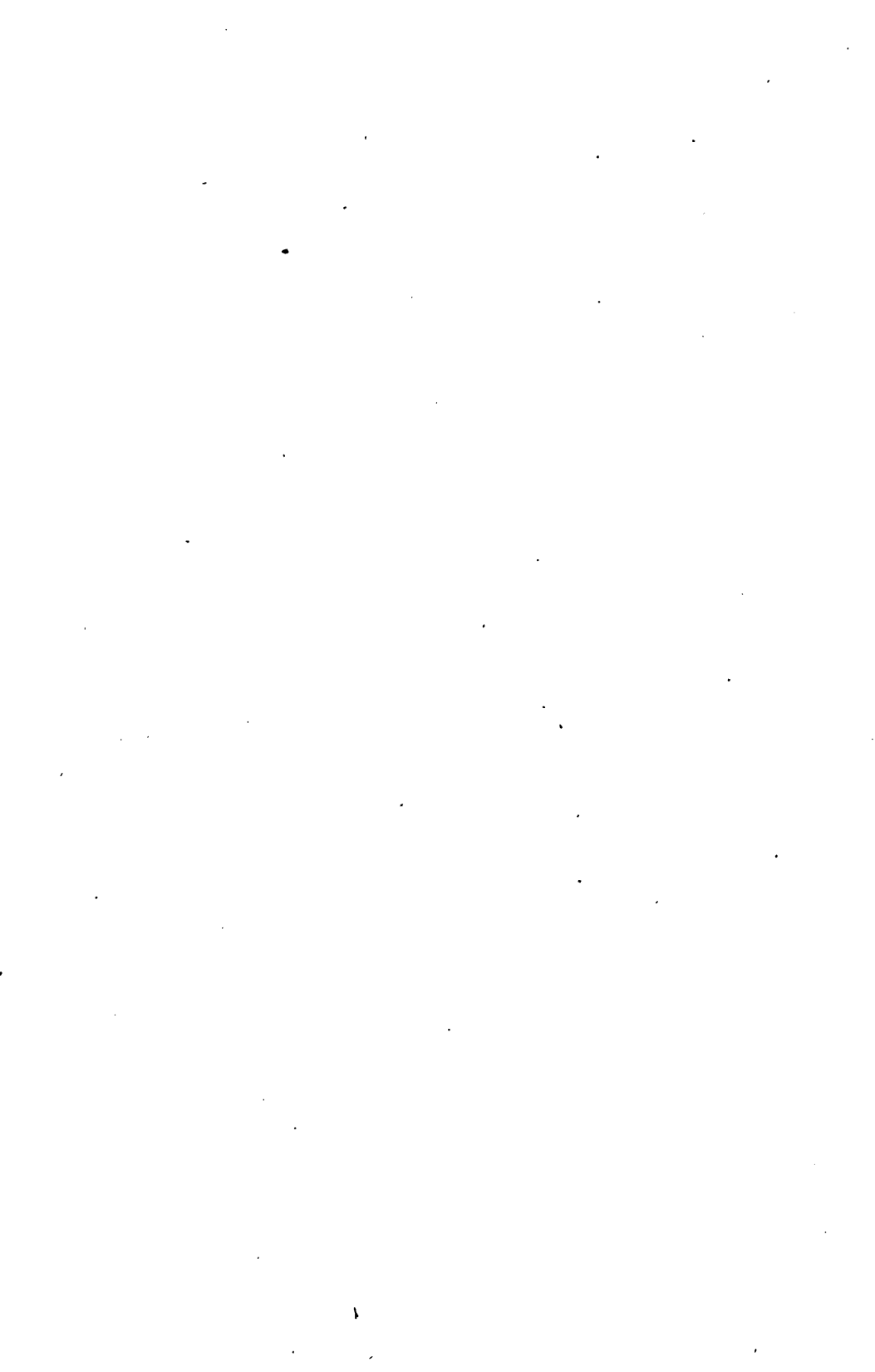




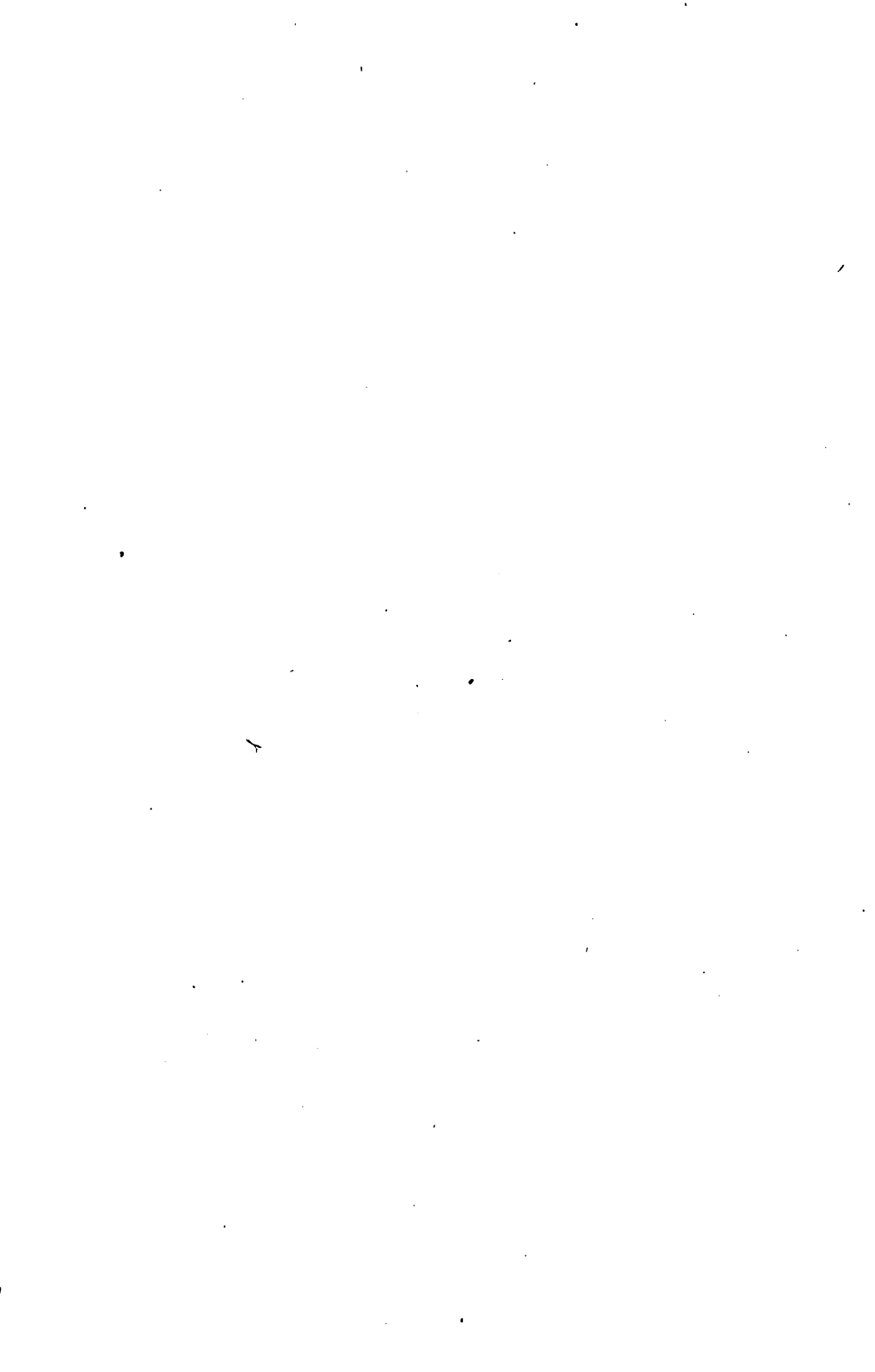


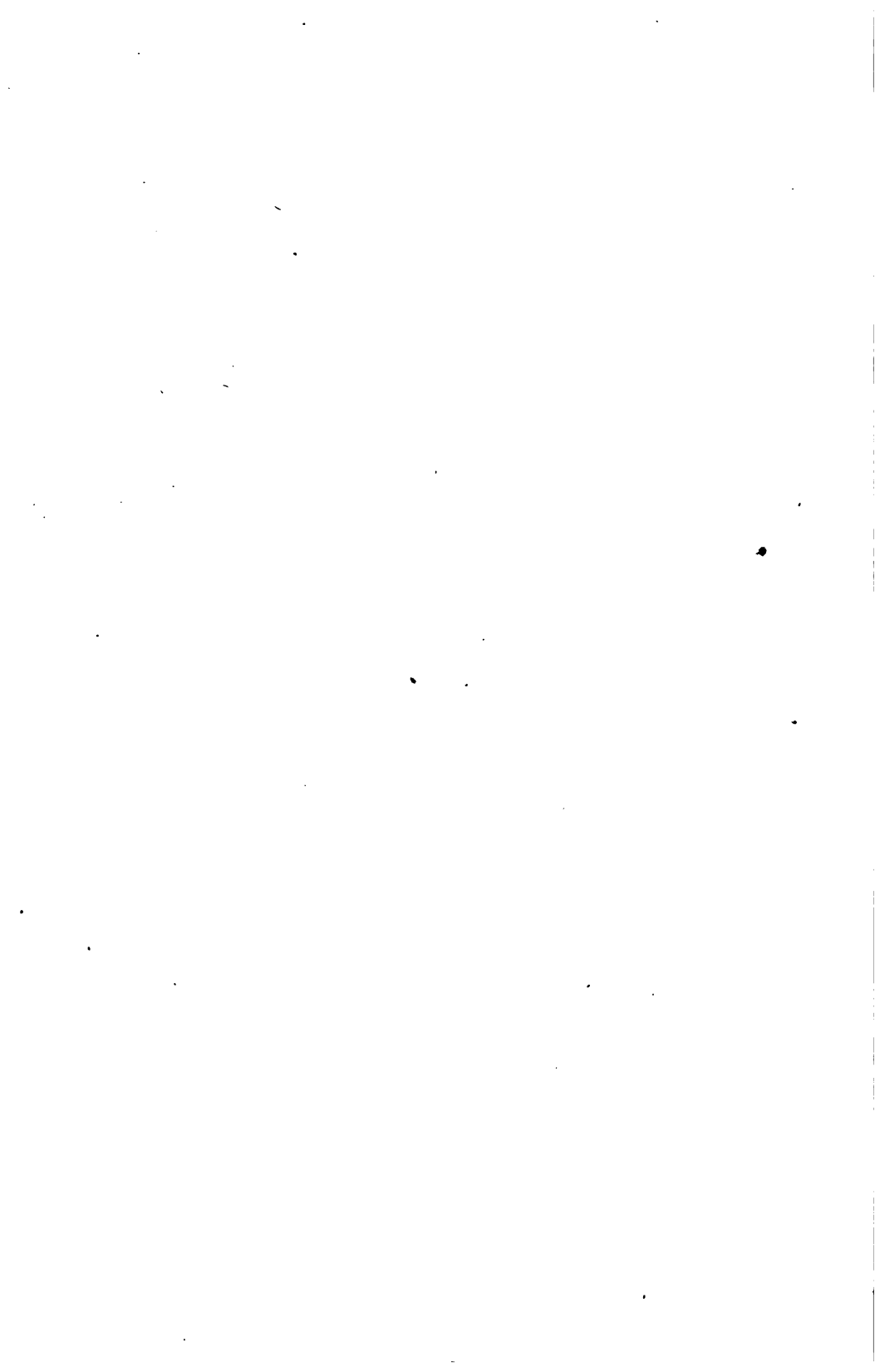










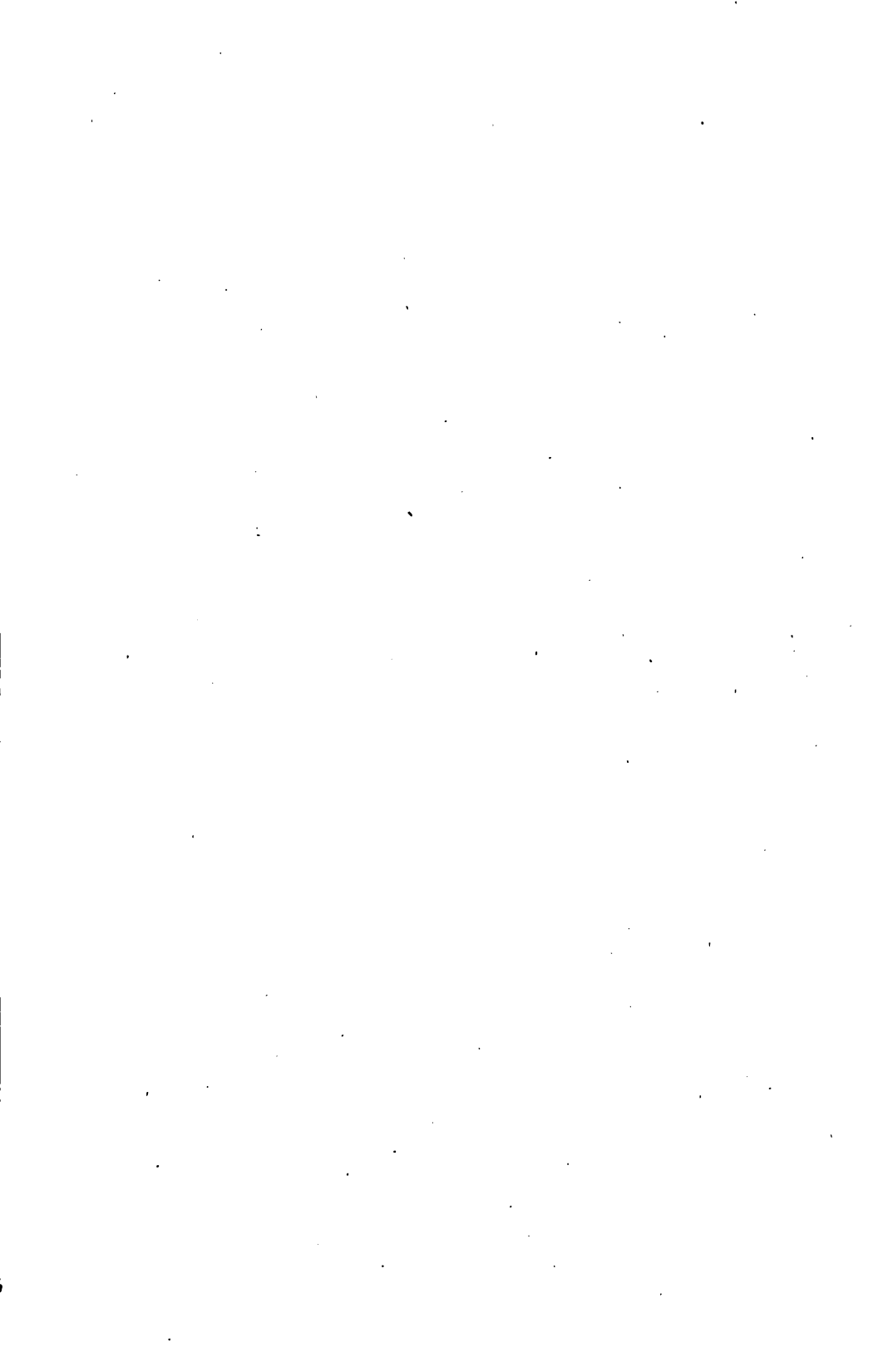


















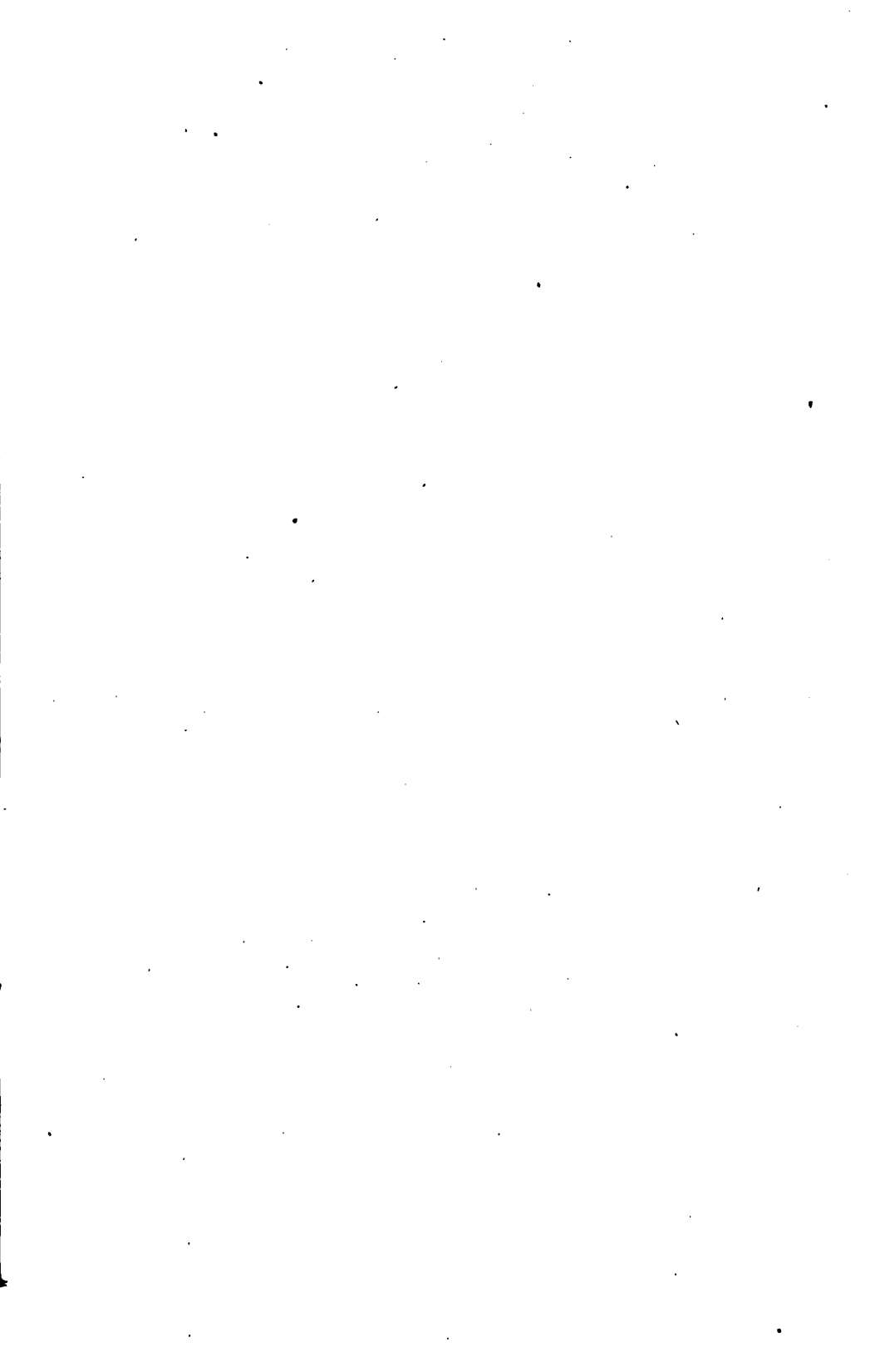




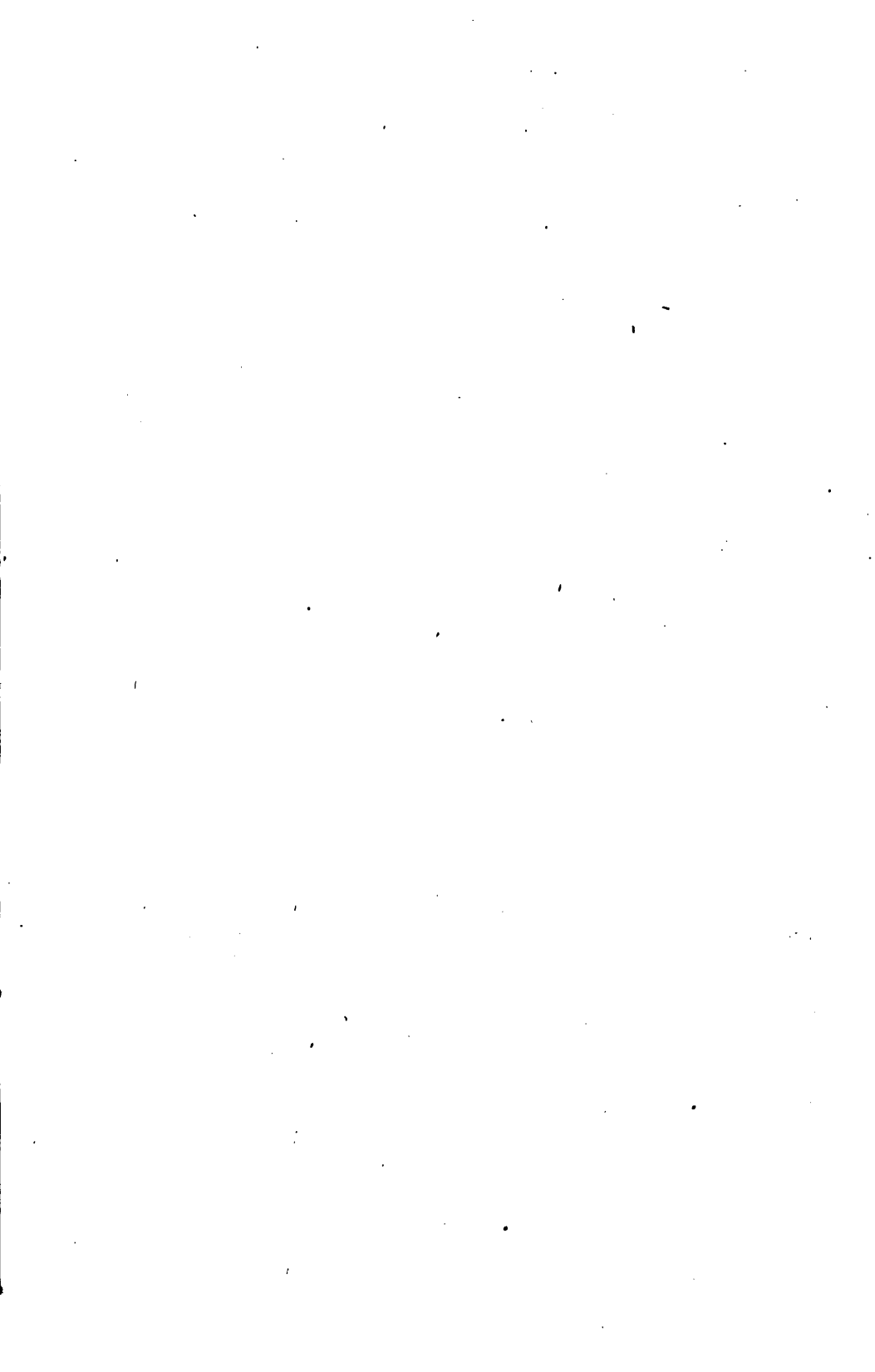


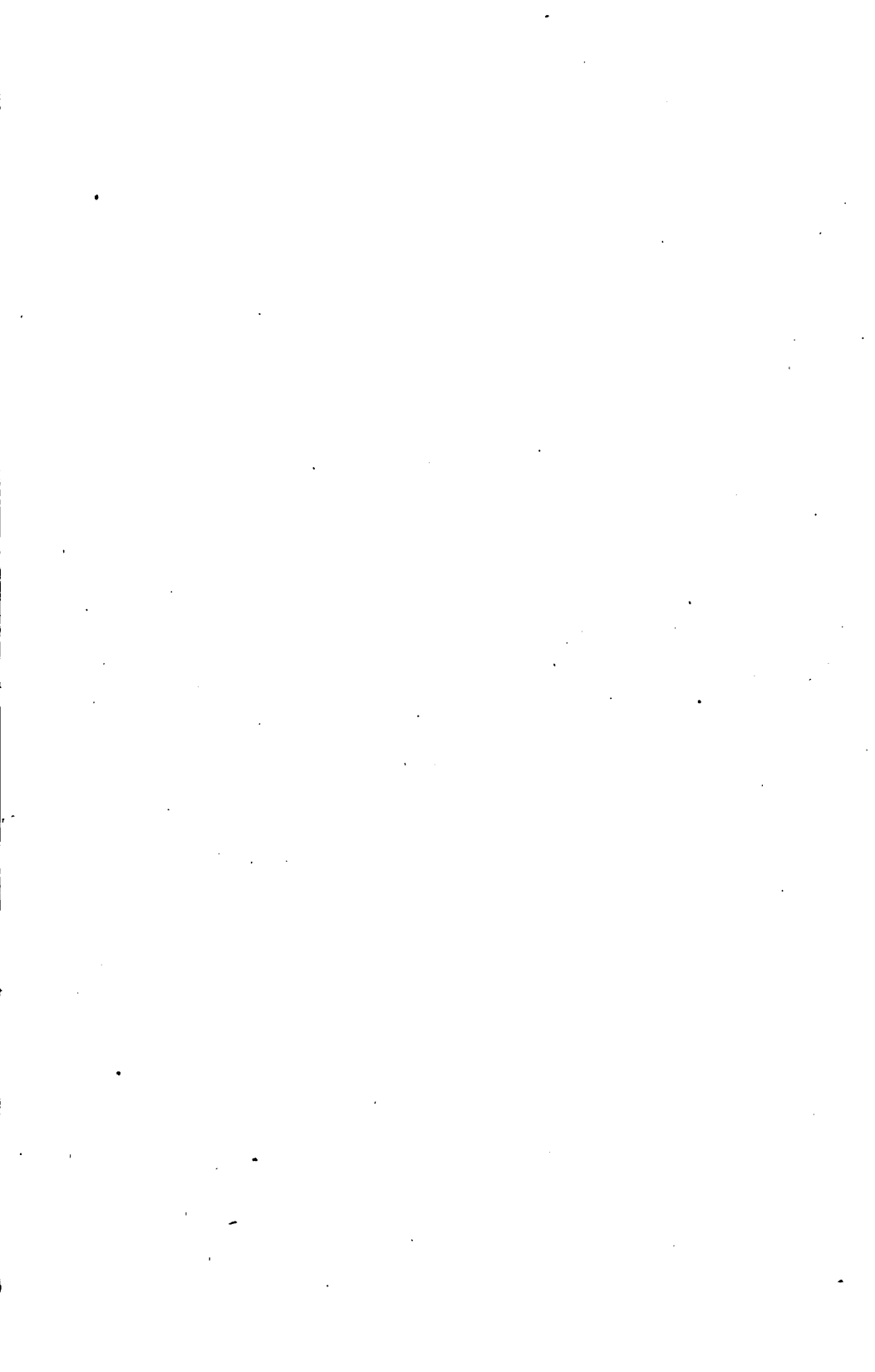




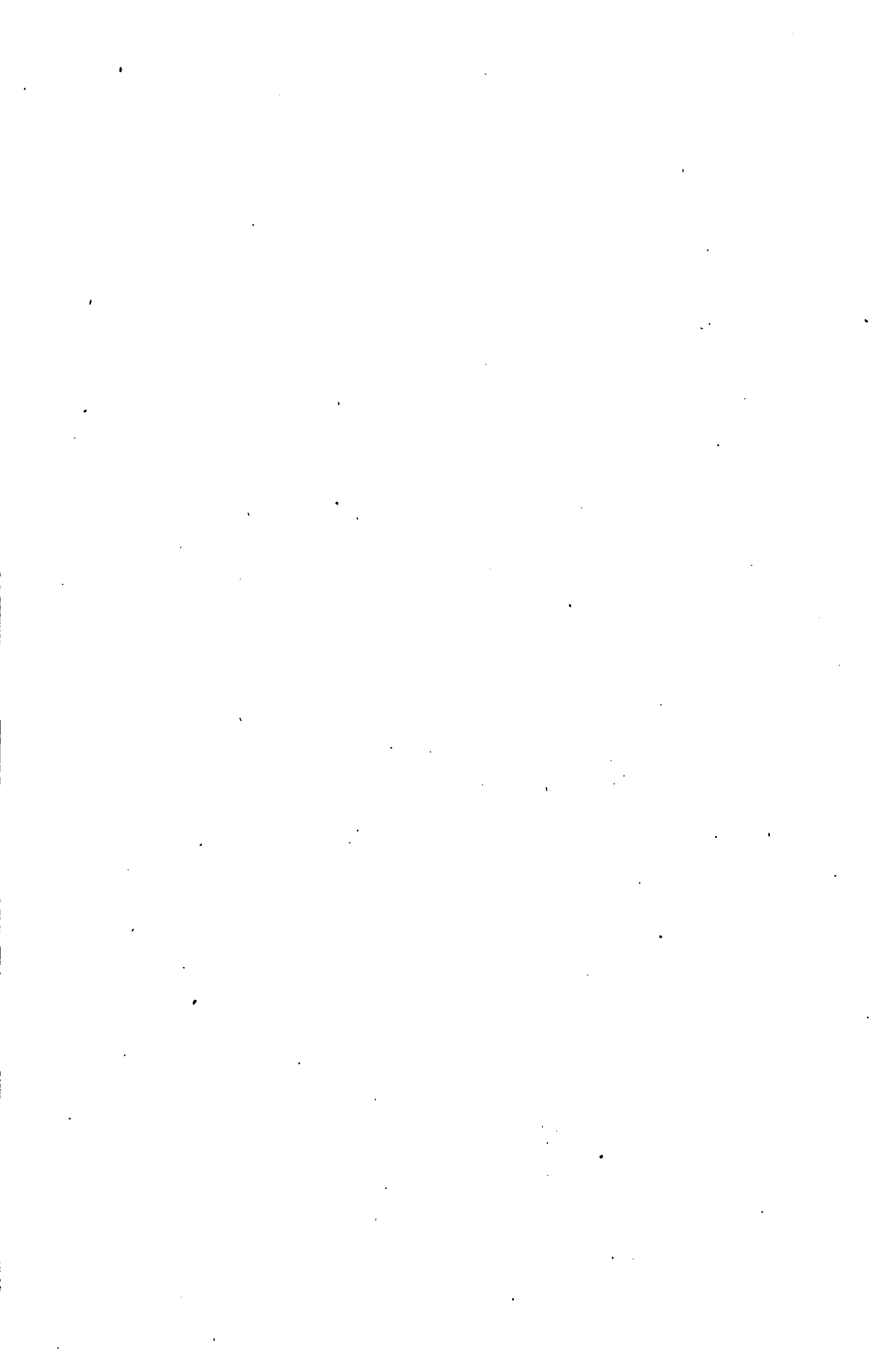












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